

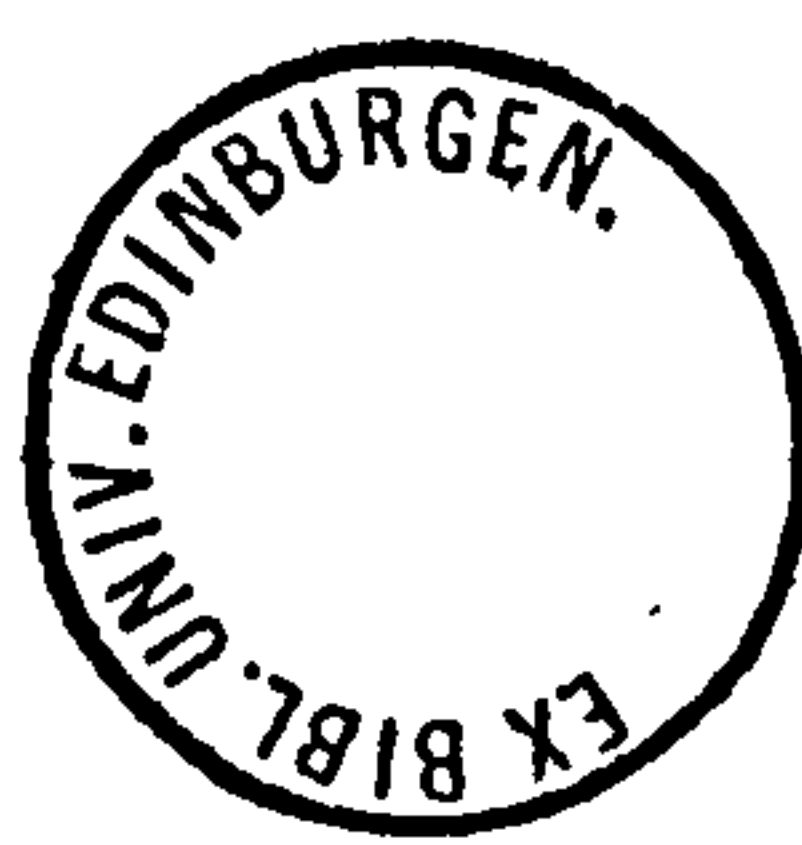
THE BURGESSES OF FOURTEENTH-CENTURY SCOTLAND
A SOCIAL HISTORY

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To Robert A. Gordon
1898 - 1982

TABLE OF CONTENTS

	<u>Page</u>
ABBREVIATIONS	ii
ACKNOWLEDGEMENTS	iv
DECLARATION	vi
ABSTRACT	vii
INTRODUCTION	1
CHAPTER ONE : THE BURGH	9
CHAPTER TWO : GOVERNMENT	81
CHAPTER THREE : LANDHOLDING	139
CHAPTER FOUR : TRADE	186
CHAPTER FIVE : THE BURGESSES AND THE KINGDOM	251
CHAPTER SIX : THE COMMUNITY	293
CONCLUSION	338
BIBLIOGRAPHY	347

ABBREVIATIONS

Abbreviations used conform to the list of 'Abbreviated Titles' in SHR, xlii (1963), with the addition of the following:

<u>Aberdeen Excavations</u>	<u>Excavations in the Medieval Burgh of Aberdeen 1973-81</u> , ed. J.C. Murray, Society of Antiquaries of Scotland Monograph Series, Number 2 (Edinburgh, 1982).
AUL	Aberdeen University Library.
BL	British Library.
<u>Cal. Inquis. (Misc.)</u>	<u>Calendar of Inquisitions Miscellaneous (Chancery) preserved in the Public Record Office</u> (London, 1916-68).
<u>CCR</u>	<u>Calendar of the Close Rolls preserved in the Public Record Office</u> (London, 1906-27).
<u>CFR</u>	<u>Calendar of the Fine Rolls preserved in the Public Record Office</u> (London, 1911-31)
<u>Chron. Froissart</u>	<u>Froissart, Jean, Chronicles of England, France, Spain and the Adjoining Countries</u> tran. Thomas Johnes (London, 1849).
<u>Chron. Guisborough</u>	<u>The Chronicle of Walter of Guisborough</u> , ed. Harry Rothwell (Royal Historical Society, Camden Series, lxxxix, 1957).
<u>Chron. Walsingham</u>	<u>Historia Anglica</u> , ed. H.T. Riley (Rolls Series, 1863).
<u>CPR</u>	<u>Calendar of the Patent Rolls preserved in the Public Record Office</u> (London, 1895-1903).
DA	Dundee Archives.
<u>D and E</u>	<u>Discovery and Excavation, Scotland.</u>
<u>Formulary E</u>	<u>Formulary E Scottish Letters and Brieves 1286-1424</u> , ed. A.A.M. Duncan (Glasgow, 1976).

Hadd. Chrs.Charters and Writs Concerning the Royal Burgh of Haddington 1318-1543, ed. J.G. Wallace-James (Haddington, 1895).Hanse.Hanserecesse, ed. Karl Koppmann (Leipzig, 1870-77).Hans. Urk.Hansisches Urkundenbuch, edd. K. Höhlbaum, K. Kunze and W. Stein (Halle, 1879-96).InvernessianaFraser-Mackintosh, Charles, Invernessiana (Inverness, 1875).

MA

Montrose Archives.

NLS

National Library of Scotland.

PHSE

Perth High Street Excavation committee.

St AUL

St. Andrews University Library.

SBS

Scottish Burgh Survey.

SL

Sandeman Library, Perth.

Smit

Smit, H.J., Bronnen Tot de Geschiedenis van den handel met Engeland, Schotland en Ierland ('S - Gravenhage, 1928).

SRO

Scottish Record Office.

SUAT

Scottish Urban Archaeological Trust (Perth).

UAU

Urban Archaeology Unit (Perth).

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I declare that this thesis is entirely my own work,
and that no part of it has been previously published
in the form in which it is here presented.

ABSTRACT

The history of the burghesses of fourteenth-century Scotland has been confined largely to a study of the development of the political representation of the Third Estate. However, sources do exist for a more detailed examination of their lives and their relations with the rest of the kingdom. Within the burgh, urban excavation is revealing new evidence about the material life of the burgh inhabitants: their houses, their diet, their industrial activities. Land grants and burgh records reveal the functioning of the institutions of burgh government and the responsibilities of those who acted as officials in the burghal administration. Investment in land, both urban and rural, overseas trade and royal service all provided opportunities for the burghesses to increase their wealth and brought them into contact with the rest of the kingdom. Grants to the burghs of common agricultural land helped maintain the links of the burghesses with the lifestyle of their rural neighbours, while the purchase of country estates by individuals gave them an entrée into the landowning classes. Trading commissions and the burgh markets and fairs brought together the burghesses with country people, the church, the nobility and the royal household. Administrative and financial services by individual burghesses to the church, crown and nobility underlined the importance of the burghesses to other social groups within the kingdom. The sense of community felt within the burghs and between the burghs was echoed on a national level as the burghesses proved themselves to be an integral part of the community of the realm.

INTRODUCTION

The social history of fourteenth-century Scotland has suffered from neglect. Perhaps this is partly due to the heroic figure of Bruce who dominates the early part of the century and whose exploits provide a basis of comparison against which the rest of the 1300s seems a period of decline. Recently, the political aspects of this picture have been revised, at least for the reign of David II.¹ Constitutional and economic developments have also been examined,² but the daily life, the concerns and the involvement in the events of the time of the majority of the Scottish population have been largely ignored.³

It is proposed here to look at one part of that population, the burghesses.⁴ Although they constituted only a small part of the Scottish population,⁵ by the fourteenth century they were firmly established as an integral element of the nation and, as

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1. Bruce Webster, 'David II and the Government of Fourteenth-Century Scotland' in Transactions of the Royal Historical Society, 5th ser., xvi (1966); Ranald Nicholson, 'David II, the historians and the chroniclers' in SHR, xlv (1966).
 2. A.A.M. Duncan, 'The early parliaments of Scotland' in SHR, xlv (1966); A.A.M. Duncan, 'Foreign Trade and the Burghs 1327-1331, 1362-1366' in An Historical Atlas of Scotland, edd. Peter McNeill and Ranald Nicholson (St. Andrews, 1975), 63-4, 174.
 3. Nicholson does discuss the social history of the period in Ranald Nicholson, Scotland: The Later Middle Ages (Edinburgh, 1974), but as this work is a general history of the fourteenth and fifteenth centuries, social topics are touched on only briefly. Webster discusses the effects of warfare on the common people of Scotland in Bruce Webster, 'The English Occupations of Dumfriesshire in the Fourteenth Century' in TDGAS, xxxv (1956-57), 75-80.
 4. Because documentary evidence on the non-burgess inhabitants of the burghs is so scarce, this thesis concentrates mainly on those who held burgess status during this period.
 5. The French chronicler, Jean Froissart, reported that Edinburgh had only about 400 houses, Chron. Froissart, ii, 35. Ronald Cant estimates that thirteenth-century Elgin had about one hundred tenements, Ronald G. Cant, Historic Elgin and its Cathedral (Elgin, 1974), 4.

in other Western European countries, played a central part in the commercial life which had increasingly dominated medieval life from the eleventh century. The question of Scottish burghal origins has been a hotly-disputed one among Scottish historians,⁶ and will not be entered into here, except to say that it does not seem that any one cause can be advanced as the reason for the origins of all burghs, although in a legal sense the burgh was created by the king who gave the inhabitants various privileges.⁷ By the 1300s many burghs had enjoyed such privileges for several generations and both they and the new creations of the fourteenth century fit into the Scottish landscape as an accepted part of national life.

The main secondary sources on medieval Scottish burghs⁸ provide much information on the internal organization of the burghs, but as

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6. A summary of most of the theories is given in Ian H. Adams, The Making of Urban Scotland (London, 1978), 20-22. See George Neilson, 'On Some Scottish Burghal Origins' in JR, xiv (1902); Adolphus Ballard, 'The Theory of the Scottish Burgh' in SHR, xiii (1916); George Pryde, 'The Origin of the Burgh in Scotland' in JR, xlvii (1935); David Murray, Early Burgh Organization in Scotland (Glasgow, 1924-32), i, 4, 8; William Mackay Mackenzie, The Scottish Burghs (Edinburgh, 1949), 1-14; J.M. Houston, 'The Scottish Burgh' in The Town Planning Review, xxv (1954-55), 115-7; W.C. Dickinson, Abdn. Recs., xvii-xxxi; A.A.M. Duncan, Scotland: The Making of the Kingdom (Edinburgh, 1975), 463-72; G.W.S. Barrow, Kingship and Unity: Scotland 1000-1306 (London, 1981), 84-90; R. Fox, 'Urban Development, 1100-1700' in An Historical Geography of Scotland, edd. G. Whittington and I.D. Whyte (London, 1983); Brian Dicks, 'The Scottish Medieval Town: A Search for Origins' in Scottish Urban History, edd. George Gordon and Brian Dicks (Aberdeen, 1983).
 7. Mackenzie's creation theory allows for various origins of urban settlements but stresses the royal act of granting privileges as the origin of the entity known as the burgh.
 8. Murray, Burgh Organization; Mackenzie, Burghs; W.C. Dickinson, introduction to Abdn. Recs. Duncan, Scotland, 463-518, does deal with the burgesses in a wider context but is only concerned with the period before 1300.

the main concern of these works is the burghs themselves, they pay little attention to the role of the burgesses in the kingdom as a whole. Various aspects of this relationship have been dealt with in studies describing the development of parliamentary representation, the contribution of merchants to the War of Independence and trading activities, but these different roles have not been brought together except briefly in Ranald Nicholson's volume of the Edinburgh History of Scotland.⁹ What is presented here is an examination of the part played by the fourteenth-century burgh in the affairs of both burgh and kingdom.

It has been said that the materials do not exist to allow the drawing of a picture of the social history of Scotland before the sixteenth century.¹⁰ While it is true that detailed burgh records do not exist for the fourteenth century, apart from the Aberdeen records which do not begin until 1398,¹¹ there are other sources from which information may be gained. A.A.M. Duncan has shown the value of burgh charters and land grants in his study of Perth from the mid-twelfth to the mid-thirteenth century.¹² Similar

9. Duncan, 'Parliaments'; W. Stanford Reid, 'Trade, Traders, and Scottish Independence' in Speculum, xxix (1954); James Dilley, 'German Merchants in Scotland, 1297-1327' in SHR, xxvii (1948); Nicholson, Scotland, 106-9, 115-6, 141, 153-4, 166, 177-8, 263-8; Alexander W.K. Stevenson, 'Trade between Scotland and the Low Countries in the Later Middle Ages', unpublished Ph.D (Aberdeen, 1982).

10. Bruce Webster, Scotland from the Eleventh Century to 1603 (London, 1975), 229.

11. Abdn.Recs. These records include a fragment of a 1317 burgh court roll.

12. A.A.M. Duncan, 'Perth The First Century of the Burgh' in Transactions of the Perthshire Society of Natural Science, Special Issue (1974).

sources exist for the fourteenth century. Burgh charters are often printed in collections of burgh documents and records, while many land grants are to be found among the cartularies printed by the Scottish historical clubs and family histories. Many more land grants are preserved among the manuscripts in the Scottish Record Office and the National Library of Scotland, while a series of grants of great interest is to be found in the Marischal College Charters in the University of Aberdeen Library.¹³ No use seems to have been made of these unpublished sources in burgh histories to date. The burgh charters give some idea of the administration of burgh affairs, while from the land grants information can be obtained about individual burgesses, their wealth, their holdings and their participation both in burghal government and in extra-burghal affairs.

The public records of the period supplement the picture of both individual burgess lives and the burgess community as a whole. Among foreign records, lists of English safe-conducts in the Rotuli Scotiae¹⁴ show which burgesses were interested in participating in Anglo-Scottish trade after the return of David II from his English captivity. The calendars of Public Record Office documents, the Close Rolls, the Fine Rolls, the Patent Rolls, and Inquisitions (Miscellaneous) give many references, not nearly all of which are recorded in the Calendar of Documents relating to Scotland, to Scottish merchants actively pursuing foreign trade.

13. The largest collection of relevant documents in the Scottish Record Office are among the Gifts and Deposits series. Others are to be found among the Register House Charters. In the National Library, there are charters and transcripts among the Advocates Manuscripts and the NLS Manuscripts. The Marischal College Charters are calendared in Aberdeen Friars.

14. Rot. Scot., i-ii.

Continental records also contain references to Scottish trade, while international treaties, printed in Rymer's Foedera¹⁵ and the Acts of the Parliaments of Scotland, show that trade was considered a matter of significant concern in relations between Scotland and other countries.

Figures relating to Scotland's export trade can be found in the first three volumes of the Exchequer Rolls, but this source also provides much additional information. The financial transactions of the burghs with the chamberlain, the personnel of the governments of various burghs and royal services performed by individual burgesses are all recorded. Occasional glimpses may also be caught of the functioning of the Four Burghs and the chamberlain ayre. The careers of certain burgesses in service to the royal household may be followed, as well as their role in national affairs. There is also evidence of royal recognition of their usefulness in the form of pensions, money gifts and remissions of custom. Rewards in the form of grants of land or office appear in the Register of the Great Seal. Also in the Register are royal confirmations of land grants, made both by and to burgesses.

The Acts of the Parliaments of Scotland show the increasing participation of the burgesses in parliament and general councils and the political recognition of the third estate, as well as demonstrating the royal control over various aspects of burghal administration and the export trade in which the burgesses played the dominant part. The statutes recorded here show the new burdens to which the burgesses and the rest of the kingdom were

15. Both the Record Commission and the Hague editions have been used.

subject during the course of the century, while the collection of ancient burgh laws indicates the rules and laws by which life within the burgh was governed.

In recent years, two new sources, both from disciplines other than history, have begun to become available. Town plan analyses of various burghs by historical geographers have revealed evidence of deliberate planning in the expansion of some burghs and also suggested the existence, in some cases at least, of pre-urban nuclei.¹⁶ Furthermore, the geographers look to another discipline, archaeology, to resolve some of the questions which their work has raised.

In 1972 and 1978, Grant Simpson and Nicholas Brooks summarised the work which had taken place in Scottish urban archaeology to those dates.¹⁷ Since then, many more excavations have been undertaken and the first evidence is beginning to appear in published form. Most of the fourteenth-century evidence at present comes from digs in Aberdeen, Perth, Inverness and Elgin, but it is hoped that future work will reveal more about other burghs as well. A full archaeological survey of Ayr, begun in summer 1984, may point the way for other such projects. The work of the Scottish Burgh Survey, for which additional funding has now been found, also serves to publicise the need to take advantage of any excavation opportunities which arise.

16. William Dodd, 'Ayr A Study of Urban Growth' in CAAS, 2nd ser., x (1972); N.P. Brooks and G. Whittington, 'Planning and growth in the medieval Scottish burgh: the example of St. Andrews' in Transactions of the Institute of British Geographers, new series, ii, no. 2 (1977); Dicks, 'Medieval Town'.

17. Society of Antiquaries of Scotland, Scotland's Medieval Burghs: an archaeological heritage in danger, ed. Grant G. Simpson (Edinburgh, 1972); N. Brooks, 'Urban Archaeology in Scotland' in European Towns: their Archaeology and History, ed. M.W. Barley (London, 1977).

For the purpose of this thesis, most of the archaeological evidence has been drawn from published reports in Discovery and Excavation, Scotland, the 1982 monograph, Excavations in the Medieval Burgh of Aberdeen 1973-81, and unpublished reports on the excavations at the Perth High Street site and other sites in Perth which should appear in the form of two monographs within the next few years. As urban excavation in Scotland is still in its early stages many of the conclusions advanced here can only be tentative and are subject to revision in the light of future finds, but it is hoped that the use of archaeological evidence will give some idea of what can be done with this new and growing source of evidence.

Finally, there are contemporary accounts of events in fourteenth-century Scotland in the form of various chronicles, both Scottish and foreign, but unfortunately they pay little more attention to the ordinary people of the country than have historians until recently. Occasional general descriptions of burghs are found, but the burgesses themselves, along with the majority of the population, figure little in the narratives except among total numbers of troops or the dead after a battle. The heroic exploits of individual burgesses are sometimes described, but usually the burgesses and the country people are linked together as the "commons". But this in itself reveals something about the medieval view of the burgesses' place in the kingdom, for although modern historians unavoidably accentuate the distinction between the burgesses and the rural people of Scotland through the need to examine separately the laws and institutions which governed their lives, it seems that when it came to actions requiring national cooperation, these

differences all but disappeared. Although they might be ruled by different laws and make their living in different ways, the burgesses of fourteenth-century Scotland had many strong links with the other elements which made up the kingdom of Scotland and thus formed an integral part of the nation.

CHAPTER ONE

THE BURGH

In order to understand the lives of the Scottish burghesses of the fourteenth century, it is necessary first to look at the environment in which they lived and worked. The physical features of the burghs, their institutions, the dwellings of the inhabitants both burghess and non-burghess, the crafts and industries of the burghs, the implements of daily living, all these and more contribute to the overall picture of life in the medieval burgh.

For a burgh to function effectively as a trading centre it needed to be accessible. In Western Europe, towns were usually situated at centres of communication, and Scotland was no exception.¹ Some burghs lay conveniently along a major highway or at the intersection of two or more routes. Others lying at a major river crossing might be easily approached from one side, but would need to maintain a bridge or ferry for access from other parts. The upkeep of these bridges and ferries was of major concern to the burghesses in fostering trade. The main revenues for the upkeep of the Tay Bridge at Perth in the fourteenth century came from the tolls paid by those using it. As paupers, passers-through, and religious men were exempt, it would seem that traders were the main contributors. The bridges were also sometimes the object of royal attention. Robert I and Robert III both made grants towards the upkeep of the Perth bridge, while in the thirteenth century Alexander II granted the burgh of Ayr a source of revenues to maintain the bridge and the harbour. The ferry at Stirling was also the subject of royal grants.² The bridges and

1. Duncan, 'Perth', 31; Carl Stephenson, Borough and Town (Cambridge, Mass., 1933), 43.

2. RMS, i, no. 196; Scone Liber, no. 143; SL, B59/23/10; Ayr Chrs., no. 14; Stirling Chrs., no. 17. For other fourteenth-century town bridges, see Harry R.G. Inglis, 'The Roads and Bridges in the Early History of Scotland' in PSAS, xlvii (1912-13), 307.

ferries associated with the burghs were of importance not only to the local area but also to the kingdom as a whole.

Of equal importance to those burghs involved in overseas trade were their harbours. These might range in form from simple beach landings to more complex walls and quays. During the fourteenth century a number of burghs took steps to improve their harbour facilities. The most detailed description of such work comes from Arbroath, where an agreement was made in 1394 between the abbot and the burgesses to build a harbour at the foot of the High Street because of the losses suffered by the burgh (and probably by the abbot) for the want of a port. The harbour was to be formed by the placing of coffer - whether these were of stone or timber is not clear - filled with stones. The instructions suggest that a fairly large structure was contemplated. In 1398 Edinburgh gained the right from Sir Robert Logan of Restalrig who held the lands around Leith to enlarge its harbour at Leith by expanding the harbourworks on to his lands. The earth and sand referred to was probably used as packing for a timbered quay-face. Crail apparently had two harbours in 1371, the new one at Roome Bay probably being built in the fourteenth century.³

At Aberdeen, a 1398 reference to "the Key" suggests the existence of a harbour in the later fourteenth century, and this is supported by Froissart's mention of an ash-wood jetty some time between 1365 and 1383. Excavation at Shore Brae, although it did not recover the earliest deposits at the site, revealed a stone-built late medieval wall whose smooth west face suggested that it was a quay wall. Nearby deposits and the construction method implied a fourteenth

3. Arb. Lib., ii, no. 43; Anne Turner Simpson and Sylvia Stevenson, Historic Arbroath (SBS, 1982), 35; Edin. Chrs., no. 20; Angus Graham, 'Archaeological Notes on Some Harbours in Eastern Scotland' in PSAS, ci (1968-69), 206; Municipal Corporations (Scotland) Local Reports, i (London, 1835), 155.

or fifteenth century date. This wall may have succeeded the jetty described by Froissart, or it might have incorporated timber in its construction and thus fit his description.⁴

Burghs not on the coast often had riverside harbours, probably consisting of quays at which the ships could tie up. Perth seems to have had such a harbour, formed by wharves on the Watergate, the present Tay Street having been built at a later date. References to customs revenues suggest that some sort of harbour facilities existed from at least the time of David I. The wharf area may have been strengthened after the disastrous flood of 1209. Excavation at the foot of the High Street uncovered large jointed timbers which might have been part of the medieval wharfage or possibly the tolbooth or bridge. Black organic deposits were probably the backfill of the early harbour.⁵ Inverness, Kirkcudbright and Stirling also had riverside harbours.

Other burghs were favoured with natural harbours, the existence of which probably provided a major impetus to their first settlement. The original harbour of Ayr was the basin fed by the River Ayr, the river and the tides combining to scour away the sands. When the town shifted away from the exposed sand dunes to a gentle slope along the river, the plots on the riverside probably included wharves and warehouses. Montrose had an excellent natural harbour in the Montrose Basin, while the tidal estuary of the Kinness Burn provided shelter for ships at St. Andrews as did a

4. AUL, MS. M.390, Mass 1/11; C.M. Brooks, 'Shore Brae, 1974' in Aberdeen Excavations, 38-42.

5. Duncan, 'Perth', 32-41; Anne Turner Simpson and Sylvia Stevenson, Historic Perth (SBS, 1982), 1; 'Watching Briefs' (SUAT, forthcoming), 4. This article is one of a series of reports on excavations in Perth which are to be published in the form of a monograph by SUAT. A brief summary of work in Perth is given in Linda Blanchard, An Archaeological Survey of Perth (UAU, 1979).

naturally enclosed basin at Inverkeithing.⁶ Rock promontories, inshore islands, or a reef above the high-water mark, could also provide sheltered harbours. In many cases the natural harbour seems to have sufficed for the burgh's needs, with harbour works not being built until later. Blackness at Linlithgow was in use as a landing-place in 1304 and was granted to Linlithgow as a port in 1389, but a harbour does not seem to have been allowed until 1465.⁷

Burghs not situated at a favourable harbour site were often granted nearby havens as their ports. Edinburgh carried on seaborne trade through Leith, Linlithgow through Blackness, Dunbar through Belhaven, and Haddington through Aberlady. The burgesses of Elgin were granted the use of the earl of Moray's harbour on the River Spey in 1393, but this was eight miles away and they seem to have made use of other sites as well including (illegally) Spynie which was controlled by the bishop of Moray.⁸

Although the maintenance of bridges, ferries and harbours helped to facilitate access to the burghs, some control over entrance to the settlements was necessary if market tolls were to be collected. In many burghs this control probably took the form of some sort of ports at the entrances to the town along the principal streets. Gates at the foot of the closes and fences or walls at the back of the burgage rigs probably formed the main defences of most burghs.

The question of burgh defences is one of the most vexed in

6. Dodd, 'Ayr', 308, 320; Robert Gourlay and Anne Turner, Historic Montrose (SBS, 1978), 1; R.G. Cant, St. Andrews, The Preservation Trust Handbook, rev. ed. (St. Andrews, 1971), 41; Graham, 'Harbours', 245. St. Andrews also had a port at the River Eden, St AUL, B65/22/6.

7. Graham, 'Harbours', 203, 217; ER, iii, 214.

8. ER, iii, 1, 48, 203, 250; Elgin Recs., 16; Anne Turner Simpson and Sylvia Stevenson, Historic Elgin (SBS, 1982), 2.

Scottish medieval urban history, with a number of suggestions being put forward as to the type of defences which were used by various burghs. Perhaps the existence of documented walls at Perth as well as the example of walled Continental towns has led to the assumption that all burghs must therefore have had some sort of defence. This is an example of the danger of extrapolating features of one burgh and seeing them as representative of all burghs. Perth was one of Scotland's most prosperous burghs and, of even more importance as far as the story of its defences goes, it was in a prime strategic position for the forces of Edward I and Edward III.⁹ During the fourteenth century, it seems, the only burghs with any real defences were those which had been subject to English occupation. Even in these burghs it was usually the castle and not the burgh which provided the main focus of defence.¹⁰ In most burghs, military defences do not seem to have existed.

Perhaps the assumption that defences of any sort were necessary or desirable except in unusual circumstances should be called into question. Before the Wars of Independence the burghs had few enemies from whom they needed to defend themselves. The burgh law which made each burgess responsible for watch and ward may have been aimed as much at dealing with trouble within the burgh as with defence from dangers from outside. The fosse

9. Neil A. McGavin, Excavations at Mill Street, Perth, 1979-80. An Interim Report (UAU, n.d.) 4-5, 7-9; R.M. Spearman, 'An Excavation at the Clydesdale Bank, 29-30 South Methven Street, Perth, 1979 (SUAT, forthcoming), conclusion; Simpson, Perth, 24-5; N.Q. Bogdan, 'History of the Site' (PHSE, forthcoming), 13-21. This last article is one of a series of reports which will be published in monograph form by PHSE.

10. Among these burghs were Berwick, Stirling, Edinburgh and Linlithgow. The possible fourteenth-century Edinburgh wall shown by Ian Adams would have defended the castle precinct rather than the burgh, Adams, Urban Scotland, 38, Fig. 2.4.

at Inverness, of which much is made in order to prove the defensive nature of the early burghs, may reflect its rather remote position on the fringes of royal authority and the belief that extra safeguards were necessary because of this, rather than a general royal policy towards all burghs. In fact, the fosse seems to have been of little use defensively as the town was captured several times in the centuries after it was built.¹¹

In the fourteenth century, then, most burghs appear to have been undefended by strong man-made fortifications. The ease with which the English kings attacked and burned the towns on their routes through Scotland supports this picture. Nor is this lack of defences very surprising. It was in the interests of communities existing primarily for trade not to present too formidable a barrier to those wishing to come to the burgh for this purpose. Ports both supplied the necessary amount of control and marked the boundaries of the burgh. Possible support for this picture of lack of concern with defence comes from excavations in Aberdeen where evidence from the backlands seems to imply that "the backs of the rigs were possibly less formally defined in the medieval period than is often suggested". This suggestion is based on negative evidence - the lack of identifiable banks or walls - but does imply that even if some sort of enclosing fence did exist it was not very substantial. As with many other burghs, the natural defences provided by the local topography were probably deemed to be sufficient.¹²

11. Leges et Consuetudines Quatuor Burgorum in Ancient Burgh Laws, c.81; Jonathan Wordsworth et al., 'Excavation of the settlement at 13-21 Castle Street Inverness, 1979' in PSAS, cxii (1982), 322.

12. J.C. Murray, 'Conclusions' in Aberdeen Excavations, 247; R.C. Fox, 'Stirling 1550-1700: the morphology and functions of a pre-industrial Scottish burgh' in Scottish Urban History, 53; G.W. Shirley, The Growth of a Scottish Burgh: a Study in the Early History of Dumfries (Dumfries, 1915), 6-7; Anne Turner Simpson and Sylvia Stevenson, Historic Forfar (SBS, 1981), 1, 15-16.

For the traveller approaching or entering many burghs, it might appear that the settlement was dominated either by a castle or by a religious establishment or by both. However, although such buildings might seem to be the most significant feature of these burghs they were in fact outwith the burghal boundaries, both physically and legally. In Glasgow and Elgin, the cathedral area was well-separated from the commercial heart of the burgh.¹³

Within the burgh itself the prime focus was the market. Filled with country people bringing local produce on market day, merchants and foreign traders at various times, and native traders from further afield, entertainers, and a host of exotic people at the fairs, the market-place was the centre of burgh life. Here were usually found any public buildings, the stalls and booths of merchants and craftsmen, and often the homes of the wealthiest families of the burgh, as a market frontage was considered to be a desirable property. Here also stood the market cross, the symbol of the market privileges of the burgh,¹⁴ and a common place for the announcing of royal proclamations and other important pronouncements.

In many burghs with a simple single street-plan¹⁵ the market area was defined by the widening of the street. At Ayr, the

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13. Norman Shead, 'Glasgow in the 12th and 13th Centuries: Evidence other than Archaeological' in Glasgow Archaeological Society Bulletin, New Series, no. 13 (Spring, 1982), 1 ; Cant, Historical Elgin, 3. 27
 14. The significance of the cross is shown by David II's command to remove the cross of Brechin after the town's market privileges had been curtailed, RRS, vi, no. 334. See below, pp. 307-8.
 15. Most social and economic requirements of the burgh could be incorporated in a single street-plan, although more complex plans also existed, R.G. Roger, 'The Evolution of Scottish Town Planning' in Scottish Urban History, 74. For the various types of town plans, see Khan Alauddin, 'Scottish Burghs: Some Aspects of their Origins, Development and Plan', unpublished B.Litt (Glasgow, 1968), 71-100, and Jeremy W.R. Whitehand and Khan Alauddin, 'The Town Plans of Scotland: Some Preliminary Considerations' in Scottish Geographical Magazine, lxxxv (1969).

definition of the market was made especially clear as "the whole space was given a subtle double curve along its length so that when the frontages were built up the overlapping curved facades virtually closed the space." Occasionally the changing needs or the growth of the burgh led to a change in the location of the market. At St. Andrews the cross was transferred in the 1190s, possibly from the east end of North Street, to its present location on Market Street. The Ayr marketplace mentioned above was that burgh's second market. At Crail also the market seems to have moved from the Nethergate to the High Street.¹⁶ In other cases the original market might survive an expansion or change of orientation of the burgh. The Perth market at the foot of the High Street was probably the focus of market activity when the main axis of the burgh was north-south along the Skinnergate as well as in the later period when the axis had shifted to east-west along the High Street and South Street.

Some traces of the medieval marketplaces in certain burghs have been uncovered in excavation. At Perth, gravel layers to the north of probably late twelfth century buildings at King Edward Street may be the early levels of the High Street and, as the present building line is two to three metres north, may represent the wider part of the street used for the market. At Townhall Street in Inverkeithing, "series of extensive cobbled spreads that have been subject to much wear and replacement" were probably part of the medieval marketplace.¹⁷

As the burgh expanded its market might also grow. In the later medieval period a number of burghs had several different markets at

16. Dodd, 'Ayr', 316, 320; Brooks, 'Planning and growth', 290; Anne Turner Simpson and Sylvia Stevenson, Historic Crail (SBS, 1981), 17.

17. L.M. Blanchard and L. Ross, 'An Excavation at King Edward Street, Perth 1982. Interim Report' (SUAT, forthcoming); J. Wordsworth, 'Inverkeithing' in D and E (1981), 10.

various sites within the town usually specializing in the sale of different products. Although there is no evidence of such specialization in the fourteenth century, the extension of the marketplace might be the first step in such a development. Excavations at Castle Street in Inverness have led to the suggestion that Doomsdale, as it was formerly known, was a deliberately planned market-linked expansion taking place during the fourteenth century.¹⁸ It seems possible that as the market grew the various products offered for sale might be grouped together in separate sections, and that later they were offered at separate markets in different parts of the burgh.

The market could also be affected in another way by burgh expansion. The centre of a wide marketplace offered space for more buildings, especially if space elsewhere in the burgh was limited. In Dumfries in the late fourteenth century the New Wark, a large stone structure, was erected in the middle of the High Street, affecting the size of the market area. The Luckenbooths of Edinburgh, which were built in the High Street immediately in front of St. Giles', may have been constructed as early as 1386. In Haddington an 'island group' separated Market Street and High Street by 1425.¹⁹

One building which stood in or near the market in many burghs was the tolbooth or townhouse which provided a meeting-place for those involved in the administration of burgh affairs. It also could serve as a toll-collecting centre and a prison. As the

18. Jonathan Wordsworth, 'The Archaeological Investigation of Medieval Inverness' in The Middle Ages in the Highlands (Inverness, 1981), 75.

19. Spalding Misc., v, 250; Anne Turner Simpson et al., Historic Edinburgh, Canongate and Leith (SBS, 1981), 29; Robert Gourlay and Anne Turner, Historic Haddington (SBS, 1978), 4. Alauddin suggests that most such 'market colonization' took place after 1400, Alauddin, 'Burghs', 118-22.

regulation of trade was one of the most important responsibilities of the burgh magistrates and council, the tolbooth's proximity to the market was appropriate.

There was probably a townhouse in Berwick by the late thirteenth century, as by that time the burgh had its own prison, the Berfreyt. Other burghs, during the course of the fourteenth century, were granted land by the crown in the burgh on which to build a tolbooth or courthouse. In some cases it is possible that the new building may have been intended to replace an earlier one, but as this is specifically stated in the grant to Montrose, it is perhaps fair to assume that most grants gave licence for the burgh's first town hall. Certainly the grant to Irvine seems to imply this. Robert II granted the burgh a piece of land in Market Street on which to build a "decent and fair house to hold public and secret councils that it might be a courthouse for the enhancement of the burgh."²⁰ The fact that such a building was to enhance the burgh suggests that there was no earlier townhouse.

Dundee, Edinburgh, and Aberdeen were also given royal licence to build tolbooths in the 1300s. The grants to Edinburgh and Dundee were of specific pieces of burgh land but the Aberdeen charter left it up to the burgesses to decide where they wished to site the new building, with the proviso that it must not be in the centre of the market. That this was possibly Aberdeen's first tolbooth is suggested by a burgh court roll from 1317 which

20. Rot. Scot., i, 493; MA, M/WC/2; Irvine Muniments, no. 6. The tolbooth was a focus of civic pride and organization, Geoffrey Stell, 'The earliest tolbooths: a preliminary account' in PSAS, cxi (1981), 445. In 1400 each inhabitant of Aberdeen was to give a day's labour or 4d towards the building of the tolbooth, Abdn. Recs., 238.

records that the court met in a private house.²¹ The new building was probably one of the most substantial in the burgh, having both lower and upper floors.

Many fourteenth-century burghs, however, seem to have lacked tolbooths. Public meetings were held in large open spaces within the town, churchyards being one of the most common choices. In 1272 the burgh of Elgin granted land to Pluscarden Abbey, the whole citizenry being gathered in the churchyard of St. Giles. In Inverness, on at least one occasion, the churchyard of the Chapel of St. Mary, rather than that of the parish church, was used.²² On this occasion John Scot, burghess of Inverness, was chosen to represent the burgh in a petition to the king.

Also to be found in the market area was the tron or public weighbeam of the burgh. That not all burghs had a tron during the earlier part of the century is implied by an act of David II ordering a tron and the office of tronar to be set up in each burgh in 1364. On 3 December 1364, two days earlier, David had granted land to the burgesses and community of Edinburgh in the High Street on which to build a new tron, to replace the old one. The existence of trons in many of the burghs after this date is implied by the payments recorded as being made to tronars in the customars' accounts. A reference to the tron of Aberdeen in 1399 suggests that it could also act as a place for public actions as it was here that Paul Crab, burghess of Aberdeen, gave a pledge to one of the bailies to pursue an action against another burghess

21. DA, TC/CC 15 (1325); Edin Chrs., no. 13 (1386); Abdn. Chrs., no. 15; Abdn. Recs., 10. The Edinburgh townhouse replaced an earlier one, standing in 1368, St Giles Reg., no. 15. This earlier building was probably burned by the English in 1385. The 1386 charter does not refer specifically to a townhouse, but is endorsed as relating to the "Belhouse", a public meeting-house.

22. Familie of Innes, 54-6; Moray Reg., no. 235.

over a land dispute.²³

Another building of importance to burgh life was the parish church. As the centre of worship for the burgh inhabitants it provided a focus for private piety and public activity. In some burghs such as Perth it was situated away from the bustle of the market and was reached by a street leading off the main street, while in others such as Elgin it was in the centre of the High Street. In Edinburgh St. Giles' was situated on the south side of the High Street along the ridge on which the burgh stretched down from the castle. Sometimes the parish church was put to uses which would not have been foreseen by their founders. In 1299, Edward I used the tower of Annan parish church to store supplies in case of attack by the Scots, while the parish church of Linlithgow was incorporated in the English king's defences there in the early years of the fourteenth century.²⁴

The buildings of other religious institutions were also a feature of many burghs, with some larger places such as Aberdeen having three friaries by the 1300s. Generally, these institutions were established on the outskirts of the burghs, and can thus be useful in establishing the limits of the burgh at the time of their founding. When the burgh later expanded beyond these limits, the area around the friaries usually remained as open space. The Greyfriars of Dumfries possessed almost all lands north of Friars' Vennel in the fourteenth century and these were described as still void in the sixteenth century. The area of the Green around the Carmelite Friary of Aberdeen seems to have

23. APS, i, 497; Edin. Chrs., no. 7; Abdn. Recs., 37.

24. CDS, ii, no. 1115; SRO, GD215/1864, ff. 6-7; CDS, ii, no. 1324.

remained as gardens for much of the medieval period.²⁵

As well as the friaries and the parish church there were chapels both within and outwith the burghs. Attached to many of these chapels were hospitals. The hospitals usually combined a number of functions, including caring for the infirm and the old, and providing rest and lodging for the traveller. They were founded by individual benefactors, often members of the royal family, and usually endowed with funds for their upkeep, commonly in the form of lands providing an annual rent. The inmates were known as bedesmen, or "those who are bound to pray", and one of their duties was to offer prayers for the soul of the founder.²⁶ The work of the hospitals was supplemented by the monasteries and friaries who also provided food for the poor and accommodation for travellers. One special function seems to have been largely left to the hospitals, however, separate houses being set up to care for lepers. One lepers' house was situated north of Aberdeen, another near Elgin, and similar institutions existed elsewhere.²⁷

In some burghs the area outwith the bounds of the burgh proper might also become the scene of suburban development. At Perth settlement at Barker Row to the west of the town wall seems to have been taking place during the fourteenth century. In Edinburgh the Pleasance, on the line of the road south from the burgh, was apparently one of the first medieval

25. ER, i, 60; Abdn. Recs., 8, 27, 85; James Barbour, 'The Greyfriars' Convent of Dumfries and Its Environs' in TDGAS (1910-11), 25; J.C. Murray and Judith Stones, '45-59 Green 1976' in Aberdeen Excavations, 90.

26. William J. Dillon, 'The Spittals of Ayrshire. The Hospitals of Celtic and Medieval Times' in CAAS, 2nd ser., vi (1958-60), 16-19; Lanark Recs., xviii. See also John Durkan, 'Care of the Poor: Pre-Reformation Hospitals' in Essays on the Scottish Reformation, 1513-1625, ed. D. McRoberts (Glasgow, 1962).

27. Dillon, 'Spittals of Ayrshire', 12-13; Abdn. Recs., ii, 283-4; Moray Reg., no. 117.

suburbs of the town, perhaps formed in the eastward expansion of the burgh in the thirteenth century. Fullarton, where the roads from Troon and Ayr met, developed as a small suburb on the opposite bank of the river from Irvine. Around Aberdeen, the extensive croft territories seem also to have been taking on a suburban character by the 1300s, with properties being bought and sold independently of any connection with burgage lands in the burgh itself.²⁸

Within the burgh, the pattern of landholding was dominated by the long, narrow rigs of the burgages stretching back from the main streets. In simple burgh plans consisting of one main street widening in the middle for the market, the burgages tended to provide a herring-bone pattern. In other burghs the shape of the properties might be determined by the presence of rivers or hills, or by development of the lands on a parallel or connecting street. In some burghs where there is evidence of deliberate town planning, it seems that an attempt was made to keep the burgages fairly uniform, at least within different areas of the town, if not throughout the whole burgh, but elsewhere it seemed to be mainly the breadth of the frontage that was significant. This is the dimension stressed by the Burgh Laws, which stated that a burgage was to be twenty feet wide²⁹ (just over 6 metres).

Excavations in Perth and Aberdeen have revealed that the

28. BL, MS. Add. 33245, f. 182; Simpson, Edinburgh, 16; Anne Turner Simpson and Sylvia Stevenson, Historic Irvine (SBS, 1980). For the Aberdeen croft territories, see below, pp. 172-3. I would like to thank Dr. Michael Lynch for pointing out the significance of the location of the Pleasance.

29. Alauddin, 'Burghs', 112; Fox, 'Stirling', 57; Brooks, 'Planning and growth', 287-8; Fraementa Quaedam Veterum Legum et Consuetudinum Scotiae Undique Collecta in Ancient Burgh Laws, c.15. See Abdn. Recs., lvi, n.2. for a discussion of burgage sizes.

width of a burgage did not necessarily remain constant throughout the medieval period. At a number of sites, changes in the boundaries of the rigs, usually to make them more uniform, seem to have taken place. Interestingly, this shift in boundaries is in each case dated to the late thirteenth or early fourteenth century, but more excavation needs to take place before it can be seen whether such formalisation was a characteristic feature of this period. The reorganisation at St. Paul Street (the backlands of Upperkirkgate burgages) in Aberdeen resulted in three plots of possibly 5.5 - 6 metres. At 33-35 Canal Street (backlands of South Street properties) in Perth, there seems to have been some experimentation with the boundaries, with the lines being laid out and then rejected in some cases. At Kirk Close (High Street backlands) in Perth, during the fourteenth century, the properties seem to have had an average width of 5.5 metres.³⁰

St. Andrews serves as a reminder of the danger of assuming too great a similarity between the burghs. Here the rigs tended to be either about 9 - 10 metres or 11 metres wide. The lesser width, equal to about ten paces, was a common one in England and Europe. Dickinson suggests that the width of the St. Andrews frontages might have been intended to equal two English perches, and points out that the planning of St. Andrews was carried out, at least in its initial stages, by Mainardus the Fleming who came from Berwick and was probably influenced by the situation there.³¹

One of the burgh official's duties mentioned in the burgh laws is lining, and official liners were to be found in Aberdeen at the

30. J. Dent, '12-26 Broad Street 1973' in Aberdeen Excavations, 30; Hilary Murray, '42 St. Paul Street 1977-8' in Aberdeen Excavations, 56, 57; R.M. Spearman, 'An Excavation at 33-35 Canal Street, Perth, 1981' (SUAT, forthcoming), 15, 23; L.M. Blanchard, 'An Excavation at Kirk Close 86-100 High Street Perth, 1979' (SUAT, forthcoming), Dating. A similar width existed in Forres, Anne Turner Simpson and Sylvia Stevenson, Historic Forres (SBS, 1982), 15.

31. Brooks, 'Planning and growth', 181; Abdn. Recs., lvi, n.2. The size of burgages in Berwick was also unusual.

close of the fourteenth century.³² The liner was responsible for defining the boundaries between the rigs, and the existence of the office indicated the importance of the burgage to the organisation of the burgh. Burgess-ship rested on the possession of a burgage, for which rent was paid to the crown, and the integrity of the burgage was therefore very important to its possessor.

Boundaries might be marked in a number of ways, sometimes varying at one site over time. At St. Paul Street, boundary ditches were replaced by fences in the fourteenth century, although the initial reorganisation of plot widths was first indicated by the ditches. Wattle fences also marked property divisions at Gallowgate in the fourteenth century, and were used at Castle Street in Inverness at about the same time. Boundary fences dating from the thirteenth to the fifteenth century were found at Elgin High Street. At Forfar, early boundaries were apparently indicated by gullies, as they were at Glasgow Castle Street. Gullies continued to function as property markers in the fourteenth century in Perth, at Kirk Close and at Canal Street.³³

Some property boundaries could be more substantial than this. At St. Andrews the garden of a tenement was enclosed by a stone wall in 1348. On the other hand, title deeds from the same burgh often record boundaries as being marked only by march stones.³⁴ It seems that the type of boundary varied, probably depending on a number of factors, such as whether animals were kept

32. Leges Burgorum, c.119; Abdn. Recs., 100.

33. H. Murray, 'St. Paul Street', 55-61; Hilary Murray, '45-47 Gallowgate 1979' in Aberdeen Excavations, 114; Wordsworth, 'Castle Street', 327, 330; William J. Lindsay, 'Elgin' in D and E (1977), 24; R.M. Spearman, 'Excavation at 17-21 Castle Street, Forfar, 1979' in PSAS, cxii (1982), 457; Blanchard, 'Kirk Close' (SUAT), 14; Spearman, '33-35 Canal Street', 24.

34. St. AUL, SL110/6/7; Brooks, 'Urban Archaeology', 29.

on the rig and needed to be enclosed by fences, lack of trust in a neighbour leading to strict definition of the boundary of the plots, the ability to afford a stone wall, or the need for a quick and easy plot marker which could be redefined without difficulty.

Boundaries could also be marked by paths which ran between the frontage properties to give access to buildings and yards behind them. A cobbled path ran between two fourteenth-century rigs at Broad Street in Aberdeen, while two late thirteenth/early fourteenth century properties in Inverness were separated by what was probably a gravel path. A gravel path at Kirk Close was in use for most of the 1300s, being provided with a drain in the later period. Gravel paths were also common at Perth High Street. At Canal Street, one gully was replaced by a gravel path in the fourteenth century. The responsibility for the upkeep of such paths may have varied as sometimes they appear to be on one property and at other times on both.³⁵

More substantial divisions were provided by the vennels running off from the main streets which were a common feature of the medieval burghs. These gave access to streets running parallel to the main one, to back lanes behind the burgages or to particular sites such as the parish church or a religious house. In some cases at least the vennel was considered to be the property of the adjoining land. The Blackfriars of Elgin thus held a perticate of land with vennel in the burgh in 1374. Other vennels were considered to be common property and there are references to "common vennels" in several burghs.³⁶

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35. H. Murray, 'St. Paul Street', 79; Wordsworth, 'Castle Street', 327; Blanchard, 'Kirk Close' (SUAT), 16, 22; N.Q. Bogdan and J.W. Wordsworth, The Medieval Excavations at the High Street Perth 1975-76. An Interim Report (Perth, 1978), 19; Spearman, '33-35 Canal Street', 26, 30, 53.
36. NLS, Adv. MS. 9A.1.10, f.45; SR0, RH6/187 (Dumbarton); AUL, MS. M.390, Mass 12/53 (Aberdeen); Arb. Lib., ii, no. 13 (Arbroath); St Giles Reg., no. 19 (Edinburgh); Newb. Reg., no. 229 (Crail).

It is not clear where the responsibility for the upkeep of the main streets of the burgh lay, but examination of the medieval surfaces of a road at Inverness shows that divisions in the road laying did not correspond to property divisions and probably represented rather the boundary between two layers of gravel. The normal surface here was coarse sand and gravel, but elsewhere there were roads of stones and large beach pebbles, and another of a layer of cobbles. Cobbles were apparently a common surface for the roads which formed the market place.³⁷

For the inhabitants of any burgh, the most important building was that in which they made their home. Here many would spend the great proportion of their lives and thus any information about these structures reflects the conditions of life for most of the burgh inhabitants. No fourteenth-century domestic buildings survive in Scottish burghs, nor do there appear to be any pictorial representations of the urban dwellings of this period. Scattered references in documents reveal little about the structure of the buildings beyond the fact that some had forestairs and upstairs rooms or 'solars', and that a few were built of stone, while most were constructed of wood. For construction methods and most housing materials, for size and shape, the evidence comes entirely from excavation.

Archaeological work at a number of burghs including Aberdeen, Perth and Inverness has produced remains of enough structures to allow some suggestions to be advanced about the nature of medieval

37. Wordsworth, 'Castle Street', 388; Colvin Grieg, 'Virginia Street Steps, Castle Lane 1974' in Aberdeen Excavations, 107; R.D. Stevenson et al., 'Kirkintilloch' in D and E (1978), 30-1; Wordsworth, 'Inverkeithing', 10.

secular buildings. In 1980, Dr. Hilary Murray presented the results of a study of nearly forty buildings excavated from the Perth High Street and various sites in Aberdeen.³⁸ The buildings ranged from the twelfth to the fourteenth century in date, but the development of building techniques was uneven and it is likely that all these types were to be found in the burghs of the 1300s. Although chronological development might take place within a single plot, such development did not necessarily occur simultaneously across the whole burgh or even within one section of the burgh. It seems that most areas had inhabitants involved in a variety of occupations and differing substantially in personal wealth. In the Aberdeen tax roll of 1408, the burgh is divided into quarters, and each quarter has its share of prosperous and poor inhabitants. A better-constructed house might therefore lie adjacent to a much more simply-built one of the same period. Any picture of the burgh must take this into account. It seems that the appearance of the urban dwellings of the Scottish medieval burgh was by no means standardised.³⁹ Murray divides them into three main categories, based on the wall construction, having walls of wattle, planks or clay. Some stone buildings have also been uncovered by excavation, but it is not always possible to determine whether they were built

38. Hilary Murray, 'Medieval Wooden and Wattle Buildings Excavated in Perth and Aberdeen' in Town Houses and Structures in Medieval Scotland: A Seminar, edd. Anne Turner Simpson and Sylvia Stevenson (SBS, 1980).

39. Abdn. Chrs., 312-17; H. Murray, 'Wooden and Clay Buildings from Perth High Street Excavations' (PHSE, forthcoming). Documents often show a wide range of rents on a specific street, implying that rich and poor lived close together. In Aberdeen, rents on Shiprow varied from 2s to 16s, those on Exchequer Row from 16s 8d to 60s. See Abdn. Reg., St Nich. Cart., Marischal College charters.

entirely of stone or of a combination of stone and timber.⁴⁰

A grant of 1236 to the burgesses of Ayr allowing them to take wood to build their houses from five pennylands in Kyle suggests that most of the urban dwellings in this burgh were made of wood. A similar conclusion may be drawn from the number of conflagrations to which many burghs were subject in the fourteenth century and earlier, as well as from the speed with which the settlements were rebuilt. Froissart, writing in the later fourteenth century, records the Scots as saying that their houses only took three days to build and it was therefore no great calamity if they were burned by the English.⁴¹

According to Froissart, the Scots needed only "five or six poles and boughs to cover them" to construct their buildings.⁴² This statement, although somewhat over-simplified, is supported to a large extent by the excavations which have been carried out so far. The great majority of buildings uncovered have been of post-and-wattle construction. Such structures have been found in each burgh where excavation has taken place, and also at a variety of sites within certain burghs. The predominance of this type of construction may be partially due to the fact that most sites excavated have been in the backlands of the burgages, and these buildings may therefore represent workshops or the homes of poorer inhabitants of the burgh, but similar structures have been found on frontage sites as well, and it seems reasonable to suppose that the

40. Murray, 'Medieval Buildings', 39-40. Stone buildings were found at Edinburgh and Perth High Streets, John Schofield, 'Excavations south of Edinburgh High Street, 1973-4' in PSAS, cvii (1975-76), 180; Murray, 'Perth Buildings', 81.

41. Ayr Chrs., no. 6; Chron. Froissart, ii, 36.

42. Chron. Froissart, ii, 55.

poorer homes of the larger burghs may well have represented the norm for many smaller burghs. Wattle materials were fairly quickly replenished, easy to cut and light to transport and were the most readily available materials for burgh inhabitants wishing to build their own houses.⁴³

Post-and-wattle walls consisted of a series of upright posts between which were woven flexible pieces of wood. The strength of wattle walls "lay in the flexibility of wattle which allows it to absorb shock and stress better than a more rigid wall of similar thickness". The wood used for the wattle varied, the type depending on what was available in the locality. Hazel, ash, birch and willow were all used.⁴⁴ Four different types of post-and-wattle buildings have been identified. The simplest consisted of wattle walls set in the earth, sometimes in a shallow gully, without any additional posts around the perimeter. A second type did have additional posts, while the third had double walls. The fourth type, which seems to represent a more sophisticated technique, had the walls set in a horizontal sill-beam laid either on the ground or on a stone foundation. This construction helped to prevent the rotting of the wood which affected the other wall-types with their posts set directly into the ground. The evidence of frequent rebuilding shows the shorter life of these buildings which seem on average to have stood for about twenty-five years.⁴⁵

Many of these structures were covered with daub which provided insulation and in some cases structural support. Traces of clay

43. H. Murray, 'Perth Buildings', 72; H. Murray, 'The Excavated Secular Buildings' in Aberdeen Excavations, 225, 227, 228; Wordsworth, 'Castle Street', 382-4.

44. H. Murray, 'Perth Buildings', 45; Wordsworth, 'Castle Street', 384.

45. H. Murray, 'Medieval Buildings', 39-40; J.S. Dent, 'Building Materials and Methods of Construction, The Evidence from the Archaeological Excavations at Broad Street Aberdeen' in Building Construction in Scotland. Some Historical and Regional Aspects (Scottish Vernacular Buildings Working Group, 1976), 69.

daub were found in Aberdeen and more extensively in Inverness where the clay showed signs of having been applied in a fairly liquid state. For those buildings without additional posts, the daub could help carry the weight of the roof. The lack of traces of daub in such buildings where it was structurally required has led Murray to suggest that as well as clay, which is thought to have been the most common material for daub, mud, dung and turf might have been used. These latter materials are difficult to distinguish from yard deposits and are therefore difficult to recognize as wall components during excavation.⁴⁶

Wattle buildings with additional posts outside and/or inside the walls may not always have used daub. Its use probably depended on the building's function. While the insulation would have been welcome in a home, it may not have been seen as necessary for an animal byre. Double post-and-wattle walls probably acted as retaining walls for an inner core of mud, dung, or turf. Such buildings were found at Dublin and York, but are less certain in Scotland. In a possible example at Perth it was not clear whether or not the two parts of the double wall were contemporary. More complete buildings need to be excavated to confirm the use of double walls in Scotland.⁴⁷

Post-and-wattle walls set in sill-beams required greater competence in carpentry for the preparation of the sill-beams and the verticals. The clearest example of this technique comes from a fourteenth-century building at Kirk Close in Perth, but this kind of construction is a possibility for any stone foundation missing an associated sill or for sill-beams lacking positive evidence of the

46. G.G. Simpson ed., Aberdeen's Hidden History (Aberdeen, 1972), 10; Wordsworth, 'Castle Street', 383, 384; H. Murray, 'St. Paul Street', 69, 71; H. Murray, 'Medieval Buildings', 40.

47. H. Murray, 'Medieval Buildings', 41; H. Murray, 'Perth Buildings', 8-10, 77.

use of planks. A fourteenth-century building at Perth High Street raises the possibility that stone foundations may have been used for the weight-bearing side walls while the other walls used earthfast sills. Other buildings may have had some sill-beam walls and some groundfast ones. A warning against interpreting ground sills as a chronological development from earthfast uprights comes from South Methven Street in Perth where a ground-sill building of the late fourteenth or early fifteenth century was replaced by a post-built structure.⁴⁸

Plank walls were less common, at least at Perth. One example, found in a late thirteenth-century house at Perth High Street, was confined to the west wall which fronted a path. It replaced an earlier wattle wall, and its position, along with the relatively poor standard of carpentry, has led Murray to suggest that it may have been built for effect rather than for structural purposes. In fact, the east wall was supported by buttresses which may have been needed to counteract the imbalance caused by the new type of west wall. In Aberdeen, an early thirteenth-century grooved sillbeam at Gallowgate may have held a plank wall, but may equally have supported a wattle wall. At Inverness, on the frontage sites at Castle Street, the sill-beams show little evidence of wattle walls, leading Jonathan Wordsworth to suggest that perhaps planked walls were used. Two buildings show possible traces of such construction. Although too much reliance must not be placed on chronological development, vertical planking would be a natural successor to a late thirteenth-century clay building where the planks were inserted into the ground. Furthermore, the timbers

48. Linda Blanchard, 'Kirk Close - a Backland Excavation' in Town Houses, 36; H. Murray, 'Medieval Buildings', 41-2; H. Murray, 'Perth Buildings', 3-4; Spearman, 'South Methven Street', 7.

used in these Inverness buildings suggest that they were well-crafted structures, and might therefore be expected to have the higher-status plank walls that the late thirteenth-century building at Perth High Street was imitating.⁴⁹

A small clay building was found at Perth High Street in the fourteenth-century levels. Vertical timbers may have been used to strengthen the walls as well as to support the roof timbers, although not enough evidence was recovered to reconstruct the building. At Queen Street in Aberdeen fragments of clay wall with a thick core of unwoven heather may indicate the existence of a similar structure. There was also evidence of a clay building at Inverness. Clay houses, consisting of posts with horizontal timbers attached as a base for straw, the whole framework being covered with clay, formed "a strong vernacular tradition in North-East Scotland" until fairly recent times.⁵⁰

As yet, little evidence has been uncovered of a true timber-framed tradition preceding the major stone-building phase in Scottish burghs, although timber-framing techniques are known from the sixteenth century. Murray suggests that this may be due to later destruction by cellars and the foundations of stone buildings and also the difficulty of identifying possible timber superstructures. The use of sill-beams may indicate a move toward the timber-framed tradition, at least at certain social levels, but the shortage of suitable timber perhaps resulted in an early transition to the use of stone.⁵¹

49. H. Murray, 'Perth Buildings', 47-8, 85; H. Murray, '45-47 Gallowgate', 114; Wordsworth, 'Castle Street', 381. Similar plank walls have been found at Birmingham and Dublin, H. Murray, 'Medieval Buildings', 43.

50. H. Murray, 'Perth Buildings', 61-3; H. Murray, 'Medieval Buildings', 43-4; Wordsworth, 'Castle Street', 338.

51. H. Murray, 'Aberdeen Buildings', 227.

Of stone buildings, evidence can be found more often in the documents than on the ground. Large bonded stone foundations uncovered at Perth High Street from fourteenth-century levels may have supported a multiple-storey building with stone walls, or with a stone room on the ground floor and a timber room above. A similar structure of the late fourteenth/early fifteenth century was found at a site on Edinburgh's High Street. References to stone houses seem to suggest that they were still unusual in the fourteenth century as most houses are referred to without mentioning the material of which they are constructed. There are three mentions of stone houses in Ayr, and one in Aberdeen in the 1300s.⁵² The absence of references to such buildings in many burghs cannot be taken as proof that they did not exist, however. It is possible that in the larger and more prosperous burghs such as Perth and Edinburgh, stone houses may have been common enough to be referred to without comment on the building material. Certainly, the ability to build in stone was present as is shown by the construction of the burgh churches. It is also possible that the stone buildings were often the principal dwellings of the wealthiest families of the burgh and therefore less likely to be subject to property transactions, the records of which are the main source for information about the burghs in this period. Only through further excavation can more light be thrown on the existence of such buildings.

Almost all buildings excavated in Scottish burghs have been rectangular in shape, although some have rounded corners because of their wattle construction. An L-shaped building at Kirk Close, and

52. H. Murray, 'Perth Buildings'; Schofield, 'Edinburgh', 180; Ayr Friars, nos 10, 12; Abdn. Recs., 11. A report on the Perth stone building is in preparation (summer, 1984).

an Inverness structure with an irregularly shaped section to one side were the only fourteenth-century exceptions to this, two unusually shaped buildings at Perth High Street and St. Andrews being considerably earlier in date.⁵³

The lack of complete ground plans for many of the buildings makes their size difficult to ascertain, although generally the width can be estimated more confidently than the length, as most buildings respected the boundaries of their rigs. Thus the width of the structures was usually no more than 3.5 - 4.3 metres. The variation in size came mainly in length. The smaller Perth buildings were generally 6 - 8 metres long, but some were over 15 metres. The unusual length of some of the Perth buildings may be partly due to the availability of the long timbers with relatively small diameters which were suitable to support long roofs.⁵⁴

Murray makes an interesting but tentative suggestion that the very long buildings found at Perth are possibly terraced rows of units 7 - 8 metres long, similar to the thirteenth- to fourteenth-century cottages found at Winchester, and warns against equating 'large' with 'rich'. Indeed, it is possible that frontage buildings might often be smaller in width and length than backlands structures,⁵⁵ especially if their long axis was parallel to the street. This could still be compatible with higher status if they were of more than one storey, with perhaps a shop or workshop below, or even if they were of one storey but entirely for domestic use. Status could also be measured by quality of construction or even simply the importance of the location.

53. H. Murray, 'Aberdeen Buildings', 224; Blanchard, 'Kirk Close' (SUAT), 36; Wordsworth, 'Castle Street', 335; H. Murray, 'Perth Buildings', 10-14; Brooks, 'Urban Archaeology', 29, Fig. 2a.

54. H. Murray, 'Perth Buildings', 66; H. Murray, 'Medieval Buildings', 44.

55. H. Murray, 'Perth Buildings', 71.

Most backlands buildings had their long axis at right angles to the street. Frontage buildings, however, were not so uniform in their orientation, and the picture of rows of burgage frontage buildings with their gable end to the street must be modified somewhat. At Gallowgate, at least one building probably had its long axis parallel to the street, while at Inverness seven out of twelve properties lay parallel to the road.⁵⁶

There is little conclusive archaeological evidence of buildings of more than one storey, although documentary evidence shows that they did exist. As early as the thirteenth century, a Perth goldsmith possessed "a building with two vaults which served as shops, with a living room above". Fourteenth-century references to these upper floors or solaria mention one in Perth in 1369, another one in 1363, and one in Arbroath in 1303. The presence of forestairs also implies multiple-storied buildings. The burgess occupant of one of the Perth houses with a solar had a four-foot wide stone stair in front of his dwelling to provide access to the first floor.⁵⁷ The fourteenth-century buildings at Broad Street in Aberdeen may have been two-storied structures as there was some evidence of external staircases. Murray suggests that multiple stories were first used perhaps on buildings with large stone foundations, such as those found in a fourteenth-century building at Perth High Street. It is possible that the Edinburgh High Street building was also two-storied, perhaps with an upper

56. H. Murray, 'Medieval Buildings', 44; Wordsworth, 'Castle Street', 385.

57. Duncan, 'Perth', 40; SRQ, GD79/5/1; RMS, i, no. 146; Arb. Lib., i, no. 322. There is a reference to a solar in St. Andrews, c.1240, G.W.S. Barrow, 'The Early Charters of the Family of Kinninmonth of that Ilk' in The Study of Medieval Records: essays in honour of Kathleen Major, edd. D.A. Bullough and R.L. Storey (Oxford, 1971), 129-30. My thanks to Professor Barrow for drawing my attention to this reference.

floor of timber. Murray suggests that perhaps the earlier multi-storied buildings of the burghs were on the more important commercial frontages in the centre of the burgh, while single-storied structures predominated on lesser streets and at the limits of roads leading from the town. At Inverness a possible multi-storied building was erected at the time of the market-linked expansion along Doomsdale.⁵⁸

Of the roofing of these buildings there is little archaeological evidence, although the structural details of the walls can give some idea about roof supports. Many buildings seem to have had some internal roof support in the form of a line of poles on the longitudinal axis supporting a ridge. An unusually large late thirteenth-century structure at Perth High Street had two internal rows, making it an aisled building possibly with a split pitch roof. Additional posts beside the walls could support rafters from the central ridge, although in some cases wall plates may have been built into the top of the cladding or the rafter ends bedded into the daub. The eaves probably tended to project beyond the wall in order to protect the cladding. Murray postulates a roof slope of 40-45° to give reasonable drainage as a steeper angle would increase the weight on the outer walls. It also seems possible that the apex of the gable wall might be left open as a smoke vent.⁵⁹

Most houses were probably thatched, although traces of thatching materials were difficult to find in excavations. At least two thatchers lived in Aberdeen in the late 14th century. Generally,

58. J. Dent, '12-26 Broad Street', 33; H. Murray, 'Perth Buildings', 66, 225; Schofield, 'Edinburgh', 180; Wordsworth, 'Medieval Inverness', 75. Probably the wealthier burgesses would also wish to be near the government institutions which were usually centrally located, Andrew Gibb, Glasgow - The Making of a City (London, 1983), 35.

59. H. Murray, 'Medieval Buildings', 47-8; H. Murray, 'Perth Buildings', 33, 44-5, 7-8, 83-4. This large Perth building was the one with the plank wall.

thatching would make use of whatever was available as thatching materials were too bulky to transport far. Straw, rushes, broom and heather could all be used. Thatched roofs also had the advantage that when they were replaced the old soot-encrusted thatch could be added to byre manure and spread on the fields.⁶⁰

There is also some evidence of roofing tiles, although it seems likely that they were used in conjunction with thatch rather than on their own. Peg-tiles found in association with the large Perth High Street building may have been laid over the thatch along the wall-line or around a possible smoke-vent. The first ridge tiles to be recorded in Scotland were also found at the site, apparently all coming from a single structure. They needed to be set in mortar, so could not be used with thatch, indicating that one of the later buildings on the site had a total roof of slate or tile. Their shape implies a varied roof line and the use of at least two finials at each gable, "giving a roof cover and decoration comparable to the more sophisticated of English examples." A decorative anthropomorphic finial found at the site may have belonged to this roof. Unglazed tiles and some possible roof ventilators were also found here. The tiles as a whole show strong English influence in their manufacturing processes and it seems possible that they were made by itinerant tilers using local clay, as was common with floor tiles. A temporary tile kiln was found near the nunnery at North Berwick in 1928. They could also have come from Balmerino Abbey as the Cistercians were renowned tile-makers. A number of medieval ecclesiastical sites had flat roofing tiles, but

60. Abdn. Recs., 90, 91; Alexander Fenton, 'Thatch and Thatching' in Building Construction in Scotland; G. Whittington et al., 'Discovery of Mediaeval Plough-Marks in St. Andrews' in Scot. Stud., xx (1976), 113.

their discovery in an urban context suggests that "the roof covering of secular medieval buildings in Scotland ... had a richness and variety hitherto unsuspected."⁶¹

Entrances to the buildings varied from simple to complex. It seems quite likely that in many cases a simple wattle or straw mat door, such as those found in Irish buildings of the nineteenth century, sufficed for the wattle houses. No elaborate hanging was required for such doors. Probably the ends of the wattle from the walls was twisted around end posts at the side of the doorway. In a number of wattle buildings the wattle was carried on across the base as well as over the top of the door in order to strengthen the wall. In a fourteenth-century building at Aberdeen, the wattle lay inside the door jambs and possibly also acted to exclude rubbish.⁶²

Some buildings such as a fourteenth-century one at St. Paul Street in Aberdeen had vertical planks as jambs. There was also evidence of what was probably a raised threshold bar which would act as a weather-guard keeping out mud and rubbish. Threshold planks were quite common, being found even in early buildings. Some structures seem also to have had porches, or at least windbreaks on either side of the entrance. A twelfth-century building in Perth had a recessed entrance. Plank doors are difficult to recognize but a possible one was found at Inverness in a late fourteenth/early fifteenth^{century} structure,⁶³ and it seems likely that they would be a common feature in the more substantial buildings of the burghs.

61. John A. di Folco, 'Roof Furniture and Floor Tiles' (PHSE, forthcoming), 11, 4-5, 12-13; John di Folco, 'Roof tile fragments from the Isle of May' in PSAS, cxi (1981), 524.

62. H. Murray, 'Medieval Buildings', 46-7; H. Murray, 'Perth Buildings', 7, 78.

63. H. Murray, 'St. Paul Street', 69; H. Murray, 'Perth Buildings', 79, 21, 40, 51, 56, 79, 7, 67; Blanchard, 'King Edward Street', 2; Wordsworth, 'Castle Street', 385, 336.

As yet no definite evidence about windows in secular urban buildings has been uncovered, but some finds of glass, probably mostly from ecclesiastical structures, have been made. Some of these may have been made by burgh craftsmen, as surname evidence suggests the presence of glaziers in fourteenth-century Elgin while a contract for windows and doors was made with two Aberdeen masons in 1399.⁶⁴ Finds of glass at Aberdeen, Perth, Elgin, Ayr, and Inverness, however, do seem to be mostly imported, although some early glass beads at Perth High Street might be local. Two pieces of window glass at this site were associated with hearths in the fourteenth-century stone building, suggesting the possibility of glazed windows for this structure.⁶⁵

The most common flooring material appears to have been sand. It was common practice to spread clean layers of sand over derelict or destroyed properties, with the material thus forming the primary floor of the new structure, and probably being renewed later with additional sand layers. Finds of occupational levels alternating with sand layers show this practice in process. Sometimes only parts of the floor were 'cleaned' in this way. In Inverness, many of the buildings had thin lenses of sand which rarely covered the whole floor and had the "appearance of patching materials used to seal the organic accumulations below".⁶⁶

Clay floors were also found in a number of buildings, including those with clay walls. A fourteenth-century building at Kirk

64. Moray Reg., nos 226, 241; Abdn. Recs., 105-6. There is a twelfth-century reference to shop-windows in Kelso, RRS, ii, no. 64.

65. J. Stones, 'St. Martin's Lane 1981' in Aberdeen Excavations, 115; Derek W. Hall, 'An Excavation at Whitefriars Perth 1982: An Interim Report' (SUAT, forthcoming), 3; G.H. Collins, 'Stone and Glass' in Wordsworth, 'Castle Street', 373; John Hunter, 'Report on the Mediaeval Glass from the Perth High Street Excavations' (PHSE, forthcoming), 6.

66. H. Murray, 'Perth Buildings', 1, 3, 21; Wordsworth, 'Castle Street', 327, 332-3, 386.

Close with a sand floor at one end and an earth floor at the other was refloored with clay later in the century. Other possible floor levels included timber, cobbles and gravel.⁶⁷

Yellow, green, and black floor tiles were found in association with the Edinburgh High Street house. Most of these were from the fifteenth century but a few may have been late fourteenth century. They were probably imported from the Low Countries. Floor tiles were also found at Perth High Street but probably dated from the fifteenth century. Such tiles may have been used in other fourteenth-century houses, however, as they have been found at ecclesiastical sites dating from the 1300s and earlier.⁶⁸

Sometimes, different flooring materials were found in different parts of the same structure. This feature seems to indicate differing activities within a building. At Perth, the main sections of partitioned houses usually had floors of natural subsoil materials - sand, clay and silt. The smaller rooms often had floors of gravel, organic earthen layers, and even stone slabs. At Aberdeen, where no internal partitions survived, the different floor levels of a thirteenth-century building were the only evidence of internal division in any of the structures. Of the excavated buildings which had signs of internal partitions, most were divided into two sections by a wall. The partition wall was commonly of wattle, sometimes set in a ground sill, either earthfast or on a light stone foundation. A possible plank wall in an Inverness building

67. H. Murray, 'Perth Buildings', 62; Wordsworth, 'Castle Street', 338, 385; Blanchard, 'Kirk Close' (SUAT), 14, 21, 25; Blanchard, 'King Edward Street', 2; J. Dent, '12-26 Broad Street', 29; H. Murray, 'St. Paul Street', 69, 70.

68. Schofield, 'Edinburgh', 180; Elizabeth Eames, 'The plain glazed floor tiles' in Schofield, 'Edinburgh', 211-12; di Folco, 'Roof Furniture', 13; James S. Richardson, 'A Thirteenth-Century Tile Kiln at North Berwick, East Lothian, and Scottish Mediaeval Ornamental Floor Tiles' in PSAS, lxiii (1928-29), 284.

was later replaced by one of wattle and daub. A door led from one room to the other.⁶⁹

The large thirteenth-century building at Perth High Street was unusual not only in being an aisled building but also in being partitioned apparently into three sections. The central part was the largest room and there were smaller rooms at each end, with a latrine leading off from one of them. The structure probably consisted of a hall with chamber and service rooms, the chamber perhaps being at the south end as it had the more prestigious plank walling. Aisled buildings such as this one were apparently common in thirteenth-century Britain, but were dying out by the late fourteenth century. In its second phase, the building may no longer have been aisled. However, documentary evidence points to the existence of some quite elaborate buildings in the burghs. Those tenants responsible for providing hospitality for the abbot of Arbroath in various burghs were expected to have an eating hall, sleeping chambers, a kitchen, and a stable. It seems likely that the structures with one partition were divided into a main living and possibly working area with a cubicle at one end. This was a simplification of the arrangement of larger contemporary buildings and was found in thirteenth and fourteenth-century cottages at Winchester and in twelfth-century Oslo. Other buildings might have a byre at one end.⁷⁰

The majority of structures excavated seem to have been dwelling-houses, although it was not unusual for other functions to be combined with domestic ones. The buildings with byres show the

69. 'Buildings Report' (SUAT, forthcoming); H. Murray, 'Perth Buildings', 12, 3-4, 39; H. Murray, 'St. Paul Street', 69; Wordsworth, 'Castle Street', 385.

70. H. Murray, 'Perth Buildings', 40, 48, 49, 83-4, 69; Stirling Chrs., no. 10; H. Murray, 'St. Paul Street', 69.

need to provide for livestock in both Aberdeen and Perth, a need which may have been continued into the fourteenth century at least in Perth as a Kirk Close building appeared to have a byre at one end. A 1348 document refers to both a byre and a barn in Ayr. Some fragmentary structures excavated at Aberdeen may have been sheds for livestock, although they may also have been used as storage sheds.⁷¹

A number of buildings showed signs of small-scale industrial activity as well as domestic usage. In Perth such buildings were found from the twelfth to the fourteenth centuries. A mid-fourteenth-century structure at Kirk Close appears to have been both a house and a cobbler's workshop. A contemporary building was apparently domestic but was shortened and partitioned soon afterwards, and in this later phase had evidence of possible vegetable oil production, although this may have come from nearby rather than from the building itself. A mid to late fourteenth-century building at the same site was probably initially a roofed domestic building. It was then enlarged and the south room, partially floored with stone slabs and possibly open at one end, came to serve as an open work shed, an animal byre, or a cart shed. In the fifteenth century, this part of the structure became a bakehouse with a commercial-size breadoven.⁷²

At Inverness there were some signs of small-scale metalworking from earlier levels where the structures appeared to be mainly domestic. Other buildings from various sites had small internal pits or hollows contemporary with occupation, which may have had an industrial function although the exact nature of their use is unclear.⁷³ Two-storied frontage buildings were often both shops

71. Blanchard, 'Kirk Close' (SUAT), 24; H. Murray, 'St. Paul Street', 81; Ayr Friars, no. 12.

72. Blanchard, 'Kirk Close' (SUAT), 16, 22, 35, 40-1.

73. Wordsworth, 'Castle Street', 370; 'Buildings Report' (SUAT).

and homes - the merchant's equivalent to the combined workshop and dwelling of the craftsman.

Some of the buildings excavated may have had a purely industrial function. Two successive buildings of the late fourteenth/early fifteenth century at South Methven Street just outside the burgh limits of Perth may have been connected with the milling or brewing industry. It is possible that the first structure was domestic, but the next building showed even more evidence of industry, and may have formed part of a larger industrial complex.⁷⁴

Of the furnishings of these domestic structures there is almost no evidence, other than a list of heirship goods in one of the burgh laws.⁷⁵ While this list may not accurately describe the possessions of every burgh inhabitant, artefacts found in various excavations show that at least some of the articles were to be found in urban dwellings. Three turned or carved baluster-type artefacts from early levels at Perth High Street are thought to be stick furniture which was very commonly used in the medieval period. The list of heirship goods includes a table, two benches, and a stool. A possible indication that tables were not so commonly used as domestic work-surfaces as they are today is the great number of pottery jugs with rounded or sagging bases. It would appear that they were not usually placed on hard surfaces as only a few were sufficiently stable to remain upright.⁷⁶ The heirship list also mentions two beds and implies that there were more.

74. Spearman, 'South Methven Street', 3-10.

75. Leges Burgorum, c. 116.

76. A Curteis, 'The Worked Wood' (PHSE, forthcoming), 67; Norman MacAskill et al., 'Pottery' (SUAT, forthcoming), 6.

No beds have been found in the excavations, but evidence of bedding was present in many occupation layers. Several different materials might be used, including flax seeds, wood chips, heather, bracken, straw and chaff.⁷⁷

The cooking implements mentioned in the list show the need for some sort of hearth which probably provided the heating for the house as well as a fire for cooking food. Hearths have been found in many excavated buildings. In structures from which they are absent it is possible that heating may have been provided by some sort of brazier which would not leave any trace. Most Perth hearths were simple, being either set directly on the floor, into clay-lined hollows, or on a stone slab, although the large High Street building had a stone-lined hearth. Hearths were less in evidence in Aberdeen and Inverness but were found in Forfar and Elgin. Lighting was provided by wax or, more frequently, tallow candles.⁷⁸

Pointing out the fire risk from inside hearths and also the fact that few cooking pots were found on the Castle Street site in Inverness, Wordsworth suggests that perhaps cooking was done in communal bakehouses as in modern Egyptian villages. Arbroath apparently had a public bakehouse, which was granted by the abbot to a local lord. What seems to have been a bread oven dating from the late thirteenth century, at St. Paul Street in Aberdeen, had a capacity sufficiently large to suggest that it functioned

77. Blanchard, 'Kirk Close', 19; M. Fraser and J.H. Dickson, 'Plant Remains' in Aberdeen Excavations, 240; 'Botanical Report' (SUAT, forthcoming), 12.

78. Spearman, 'Forfar', 460; Blanchard, 'Kirk Close' (SUAT), 10; H. Murray, 'Perth Buildings', 3, 41; William J. Lindsay, 'Elgin' in D and E (1976), 44; H. Murray, 'Aberdeen Buildings', 224; Wordsworth, 'Castle Street', 386, 336; Alexander O. Curle, 'Domestic Candlesticks from the Fourteenth to the End of the Eighteenth Century' in PSAS, 1x (1925-26), 184-5.

commercially or at least served several families. According to the Burgh laws, only burgesses had the right to an oven, and this oven may have served the frontage household and poorer families living in the backlands. There was no evidence of a shelter around it, implying that it was kept well away from the buildings in order to reduce the fire risk.⁷⁹ In general, ovens seem to have been situated outside the houses, whose wood construction made them highly combustible.

Peat seems to have been the most common fuel. Several royal grants to various burghs made provision for the burgh inhabitants to have a supply of peats, while others gave protection to those bringing fuel to the burgh. Many, if not all, of the burghs had particular lands from which they obtained their peats: Peebles the moss of Waltamshope; Stirling the peat moss of Skewok; Aberdeen the forest of Stocket; and Irvine the tenement of Hormissok.⁸⁰

Also important for the comfort of the families who were living in these houses were facilities for sanitation. Documentary references to sanitation measures in the fourteenth-century burghs are very rare. In Berwick at least the responsibility for cleansing the town appears to have lain with the burgh officials and was probably paid for out of the burgh fermes as the king granted the burgh four merks for this purpose. Perhaps the responsibility was contracted out, as in the reign of Robert I, the chamberlain was ordered to find out into what private hands the four merks had come. An earlier method of rubbish disposal in the town is revealed

79. Wordsworth, 'Castle Street', 386; Arb. Lib., ii, no. 38; Leges Burgorum, c. 18; H. Murray, 'St. Paul Street', 53, 81.

80. Abdn. Chrs., no. 8; Hadd. Chrs., 1-3; Stirling Chrs., no. 11; Duncan, 'Perth', 44. Lanark Recs., 309; Peebles Chrs., no. 3; Irvine Muniments, no. 2.

by a late thirteenth-century Berwick gild statute forbidding inhabitants to put filth, dust or ashes in the common way in the market or on the banks of the Tweed. The making of dunghills in the streets of Aberdeen was a common offence in the late fourteenth century. Possibly the Inverness fosse, which by the fifteenth century was known as "the Foul Pool",⁸¹ provided a similar convenient disposal site, especially if the destruction of the castle led to a neglect of the burgh defences.

A glimpse of what was probably a common practice in many burghs is given by a slightly later charter of the mid-fifteenth century in which an Edinburgh burghess is granted the forehouse of a tenement, to be held "with the liberty of removing and depositing dust and ashes to the tail or rear of said tenement." The discovery of large pits filled with domestic refuse at most urban sites suggests that disposal of rubbish in the backlands was very common. At St. Paul Street the finds from these pits were richer than would be expected considering the quality of the structures there, thus suggesting that they came from burghess houses on the frontlands. It seems that in some cases at least backlands were used as middens almost communally, with little attention being paid to plot boundaries. A Perth South Street backland seems to have been used in this way, with properties not being properly demarcated until the fourteenth century.⁸²

81. De Articulis Inquirendis in Burgo in Itinere Camerarii Secundum Usum Scocie in Ancient Burgh Laws, c. 43; Statuta Gilde in Ancient Burgh Laws, c. 19; Abdn. Recs., 116, 174; Evan M. Barron, Inverness in the Fifteenth Century (Inverness, 1906), 18.

82. Matthew Livingstone, 'A Calendar of Charters and Other Writs Relating to Lands or Benefices in Scotland in Possession of the Society of Antiquaries of Scotland' in PSAS, xli (1906-07), 312-13; H. Murray, 'St. Paul Street', 81; L. Blanchard, 'An Excavation at 45 Canal Street, Perth 1978-79' (SUAT, forthcoming), 2, discussion.

Cess pits were usually found outside the houses, although a few houses did have inside latrines. The large Perth High Street house had a private latrine leading off from one of the end rooms, while a fourteenth-century house at Kirk Close had an indoor latrine complete with toilet seat. The feature had gone through two phases and may earlier have formed part of a more extensive latrine system, with the seat being pegged in place. The late fourteenth-century house at Edinburgh High Street had a garderobe, emptying down the hill towards the Cowgate. Such garderobes were found in the larger private houses of thirteenth-century England and usually consisted of stone-lined pits.⁸³

Occupation debris inside the house such as ashes, bones, shells, bedding material, and other such waste was often covered by sand which formed a new clean floor. In Perth the floors were usually also covered with vegetation which could dry up the floor before a new sand layer was laid. It seems likely that the accumulation of layers were cleaned out periodically into outside middens, pits, and yards.⁸⁴

The removal of rubbish from the inhabitants' properties could take place in a number of ways. Possible evidence of the burning of rubbish was found in an early fourteenth-century backland in Aberdeen. Middens could also be depleted by cats, dogs, rats, foxes, and crows. The refuse could also be put to use to manure fields or to level a site for building. Dung might also provide

83. H. Murray, 'Perth Buildings', 49; Blanchard, 'Kirk Close' (SUAT), 7-8, 11-12; Schofield, 'Edinburgh', 162, 170.

84. 'Botanical Report' (SUAT), 15-16.

insulating cladding for the walls of post-and-wattle buildings.⁸⁵

Reflooring had an advantage in that it raised the internal level of a structure above an adjacent path or midden, thus keeping out some of the outside filth and providing better drainage. Drainage facilities for entire plots also seemed to be quite common, with many early ditches apparently performing the dual function of marking property boundaries and acting as drains. At Gallowgate in Aberdeen, a stone-filled ditch was replaced by a wattle-lined drain, both being near a property line which was continued through the fourteenth century by a series of wattle fences.⁸⁶

In the fourteenth century in Aberdeen some properties had drains which were apparently independent from boundary markers. A culvert ran from one plot, probably between two buildings, and carried surface water to the street. At St. Paul Street, a stone-lined wooden drain or culvert ran across two properties, and may have been either a drain or a fresh-water supply. In Perth, a mid to late fourteenth-century gully at Kirk Close was probably a drain for the gravel path beside it, the yard of one plot and the whole of the adjoining plot which was covered in an irregular spread of stones. That boundary gullies might still act as drains in the fourteenth century is suggested by a drain and sluice found in association with an apparently small-scale industrial working yard at Perth High Street. The drain appeared to flow into the gully between the two rigs.⁸⁷

85. H. Murray, 'St. Paul Street', 58; G.W.I. Hodgson, 'The Animal Remains from Mediaeval Sites Within Three Burghs on the Eastern Scottish Seaboard' in Site Environment and Economy, ed. Bruce Proudfoot, British Archaeological Reports International Series, 173 (1983), 5; 'Botanical Report' (SUAT), 16; Greig, 'Virginia Street Steps', 107; H. Murray, 'Medieval Buildings', 40; H. Murray, 'Perth Buildings', 74.

86. 'Buildings Report (SUAT); H. Murray, '45-47 Gallowgate', 114; H. Murray, 'St. Paul Street', 56-7.

87. Dent, 'Building Materials', 68; H. Murray, 'St. Paul Street', 66; Blanchard, 'Kirk Close', 24-8; H. Murray, 'Perth Buildings', 64; A. Curteis, 'Worked Wood', 71.

The lands of the burgage plots did not serve only as rubbish tips but had a number of different uses. If there was more than one building on a property it might be divided into separate yards for the various houses or workshops. The land could also be used as a garden or an enclosure for cattle. It might provide an area for industrial activities, some of which appear to have taken place outdoors.

One backlands building of the thirteenth century in Aberdeen had its own enclosed yard.⁸⁸ It seems likely that in burghs where considerable burgage repletion took place, separate yards within a plot might be quite common. More excavation is needed to reveal such a pattern although the boundaries of enclosed yards are not always recognizable in excavations.

There is evidence that much of the open space within the burghs was used as garden areas. Seventeenth-century maps such as those of Aberdeen and Canongate by Gordon of Rothiemay show many of the backlands being used as gardens.⁸⁹ The grounds of religious houses were also frequently subject to agricultural use. In 1407 the Friar Preachers of Ayr granted a portion of their garden 80' x 20' to an Ayr burgess.⁹⁰ In Perth the backland of a South Street property was apparently used as both midden and garden until the sixteenth century. Other backlands on the same street also showed evidence of cultivation in most

88. H. Murray, 'St. Paul Street', 53.

89. James Gordon of Rothiemay, Abredoniae Utriusque Descriptio: A Description of Both Towns of Aberdeen (Spalding Club, 1842), facing p. xxviii; Sir Daniel Wilson, Memorials of Edinburgh in the Olden Time, 2nd ed. (Edinburgh, 1891), end leaf.

90. SRO, RH1/2/628. Areas excavated in Aberdeen which were probably within the Carmelites' precinct show use as gardens for much of the medieval period, J.C. Murray, '45-59 Green', 90; Judith Stones, '67-71 Green, 1977' in Aberdeen Excavations, 94.

parts during the fourteenth century.⁹¹ In Lanark, there were fifteenth-century agricultural lands in Broomgate. At Elgin a road ran behind the gardens of the burgh in 1363. References to arable land within the burghs also show that agriculture continued to play a part in the lives of the burgh inhabitants. The ploughing of a burgage in St. Andrews, even if undertaken as part of a ritual, emphasizes the agricultural nature of much burgh land-use.⁹²

Many of the areas excavated show evidence of having supported animals at some time in their history. Organic layers and a series of wattle fences at St. Paul Street in the late thirteenth/early fourteenth century suggest the keeping of animals in the backlands. Some fragmentary buildings may have been sheds for the keeping of livestock, while some boundaries running across the properties were perhaps stock barriers to protect the domestic area from the incursion of the animals. At Kirk Close a number of buildings showed evidence of adjoining stockyards. Large amounts of organic material at Perth High Street suggest a similar activity at this site. The byres mentioned above also show the involvement of the burgh inhabitants in pastoral agriculture. A 1318 charter to Haddington confirmed the burgh's right to common pasturage in its moors, while an earlier charter of William I mentioned Elgin, Forres, and Inverness and^{referred} to the right to pasture cattle in his forests.⁹³

91. Blanchard, '45 Canal Street', 7; Spearman, '33-35 Canal Street', 24, 26, 30.

92. N. McGavin, 'Lanark' in D and E (1979), 38; Moray Reg., no. 240; Newb. Reg., no. 271 (Dumbarton); RMS, i, no. 76 (Lanark); G. Whittington, 'Mediaeval Plough-Marks', 116. See below, pp 253, 256-7.

93. H. Murray, 'St. Paul Street', 57-8, 81; Blanchard, 'Kirk Close' (SUAT), 16, 22, 41; N.Q. Bogdan, 'Perth' in D and E (1977), 30; Hadd. Chrs., 1-3; Invernessiana, 6.

Animals other than cattle might be kept on a burgage. The burgh laws refer to the keeping of pigs, piglets, geese and hens. Horses were also kept by many burgesses if not by the poorer inhabitants of the burgh. The Berwick Gild Laws required all burgesses with goods worth £10 to have a "seemly horse worth at least 40s" in their stables, while another law made in 1295 referred to the burgess's horse and his palfrey.⁹⁴ Remains of horses have been found at Aberdeen, Edinburgh, Inverness, and Perth.⁹⁵

Much of the evidence of industrial activity in the burghs comes from the yard areas of the burgages, although there are also apparent industrial features within the buildings. A metalled surface found at Castlegate in Lanark was probably a courtyard area rather than a road as it showed little sign of wear by wheeled vehicles. It apparently dated to the fourteenth century and was likely connected in function to a bowl furnace about one metre away. At Perth High Street, in the fourteenth-century levels, evidence was found of what was probably "a small scale industrial working yard, with the light wattle screens ... on either side of the two hearths used to regulate the direction or degree of the draught."⁹⁶

An examination of the various crafts and industries to be found in the burghs can reveal much about the life of the inhabitants as not only does it provide evidence about occupations but it also

94. Leges Burgorum, c. 102; Statuta Gilde, c. 21; Fragmenta Collecta, c.20.

95. G.W.I. Hodgson and A. Jones, 'The Animal Bone' in Aberdeen Excavations, 232; Raymond E. Chaplin and Linda Barnettson, 'The Animal Bones' in Schofield, 'Edinburgh', 231; G.W.I. Hodgson and C. Smith, 'The Animal Remains' in Wordsworth, 'Castle Street', 377; Catherine Smith and G.W.I. Hodgson, 'Report on the Animal Remains from an Excavation at Canal Street 1981' (SUAT, forthcoming).

96. Edward Archer and Malcolm Gair, 'Lanark' in D and E (1976), 41-2; Edward Archer and Malcolm Gair, 'Lanark' in D and E (1977), 21; H. Murray, 'Perth Buildings', 64.



shows the objects used in the daily lives of the town dwellers.

One of the most important functions of the royal burghs was to provide revenues for the crown. As international trade developed the bulk of these revenues began to come from the customs charged on the export of wool, wool-fells and hides. As the centres of export for these commodities the burghs had access to a large supply of sheep and cattle, and a number of industries based on these animals could flourish. Once the wool, woolfells and hides had been removed, the other parts of the animal were available for use.

Analyses by G.W.I. Hodgson of the animal remains from Aberdeen, Perth, Inverness and Elgin indicates that large numbers of cattle, sheep and pigs used in the burgh were successfully overwintered to maturity. There was little killing of calves or lambs, implying that the procuring of tender meat was not a prime concern. Interestingly, sheep at Perth seemed to have been killed at an appropriate age for woolfells and meat, rather than kept for wool. This is not surprising as sheep would most likely have been brought to the burgh only when they were to be used for meat or fells. Wool came to the burgh in bundles, not on the hoof.⁹⁷

Cattle seem to have been more significant proportionately in Perth than in Elgin and Aberdeen, possibly because of Perth's importance as an exporter of hides.⁹⁸ It would seem that the exported hides came mostly from older animals - Hodgson suggests

97. Hodgson, 'Three Burghs', 3, 12; Hodgson, 'Inverness Animal Remains', 377. Thomas of Coldingham, burgess of Berwick, contracted with Melrose Abbey to buy the wool clip, not the sheep. J. Donnelly, 'Thomas of Coldingham, merchant and burgess of Berwick upon Tweed (died 1316)' in SHR, lix (1980), 106, 108-9.

98. G.W.I. Hodgson, 'Report on the animal remains excavated during 1975-76 from the mediaeval levels at the High Street site Perth' (PHSE, forthcoming), 3, 4, 5; Hodgson, 'Three Burghs', 93. Between 1327 and 1379 the number of hides exported from Perth quadrupled, ER, ii, xcii.

five to six years as the optimum age for hide production - as an oft-repeated burgh law forbade tanners or souters buying beasts other than those with horns and ears of equal length, in other words, young animals.⁹⁹ As with wool, the best produce was reserved for the export market.

The nature of the animal remains uncovered in various excavations has varied somewhat, in some cases suggesting that it is domestic refuse, in others commercial refuse. There is not enough documentary evidence to indicate if particular areas of the burghs in the fourteenth century were given over to fleshers, but the finds at certain sites of both high and low meat yield bones do imply that slaughtering of meat was being carried on there or nearby. Such finds must not be taken as necessarily indicating a flesher's premises, however, as a burgh law states that the fleshers should serve the burgesses from Martinmas to Yule, preparing and cutting the flesh in their larders.¹⁰⁰ The fact that while doing this the flesher was to eat at the burgess's board with his servants suggests that the process was carried out at the burgess's home.

At some sites, such as Perth High Street, most of the high meat-yield bones had been removed, suggesting that there was perhaps a flesher's workplace here, with the best meat joints being sold and removed from the site after the processes of slaughtering and carcass-dressing. Meat from the shoulder-blades and pelvic fragments which remained may have been boned out before being sold. At Canal Street, most parts of the carcass were found, but most of the bones were heavily butchered and smashed,

99. Hodgson, 'Three Burghs', 11; Leges Burgorum, c.93; Statuta Gilde, c.24; Articuli Inquirendi, 60.

100. Leges Burgorum, c.64.

probably for the extraction of marrow, so this may also have been a site where fleshers were at work. References to numerous fleshers in Aberdeen in the burgh court records of 1398-1400 imply that there was a considerable demand for meat in that burgh.¹⁰¹

At other sites, such as St. Paul Street, there were more high meat-yield bones than low meat-yield ones and this may perhaps represent domestic use. However, the uncertainty of the sources of the animal bone refuse means that the remains may not necessarily indicate dietary preferences at a particular site. Remains might come from a mix of wealthier and poorer families, especially where there is evidence of domestic dwellings in the backlands.¹⁰²

The proportions of different species do reveal something about the economy of a site, as for example whether sheep or cattle were more important to the activities carried on there. Different proportions within a burgh might imply a variety of activities in different sectors of the town. Cross-burgh comparisons are of doubtful validity because of the limited samples as yet excavated, although Hodgson puts forward some suggestions which have yet to be proved or disproved.

Generally the proportion of cattle to pigs was higher at Perth than at Elgin or Aberdeen, leading Hodgson to propose that this was because of the importance of the export of hides at Perth. Presumably this would result in more beef being eaten in Perth than

101. Hodgson, 'Animal Remains at Perth High Street', 25-6; G.W.I. Hodgson and A. Jones, 'Report on the Animal Remains from the Medieval Levels' in Blanchard, '45 Canal Street', 2; Abdn. Recs., 10, 35, 49, 72, 88.

102. Hodgson, 'Animal Bone at Aberdeen', 235; Hodgson, 'Three Burghs', 4-5.

in the other two burghs. In Aberdeen there were young pigs and lambs at St. Paul Street, implying a fairly high standard of living, as such animals would most likely be used mainly for food. At Queen Street, in the same burgh, there seems to be some evidence of a shift towards a pig-based economy in the fourteenth century, although this is not reflected at St. Paul Street. At Inverness there was also little evidence of change over time.¹⁰³

Venison was rare at all the sites examined, a fact which Hodgson suggests may reflect the erosion of hunting rights as well as possible deforestation around the burghs due to increased economic activity in the thirteenth and fourteenth centuries. The latter explanation might be more acceptable as the proportion of deer is larger in the more northern burghs, implying perhaps that more forest remained, although it is also possible that game laws were not so rigidly enforced in more remote areas.¹⁰⁴

An unusual feature of the Perth High Street site was the large number of goat remains which in fact outnumbered the sheep. Goatskins were probably not an important export as it was not thought worthwhile to charge customs on them. Hodgson suggests that this may mark the beginning of such a trade and puts forward an even more tentative theory that goats might have also provided a cheap source of meat at a time of shortages and high prices for other types of meat. Goats were quick to grow, easy to tend, and could be

103. Hodgson, 'Three Burghs', 11; Hodgson, 'Animal Bone at Aberdeen', 233, 235-6; Hodgson, 'Animal Remains at Inverness', 376.

104. Hodgson, 'Three Burghs', 11; Hodgson, 'Animal Remains at Perth High Street', 21-2. The introduction of hunting reserves to Scotland restricted the hunting rights of those who had formerly hunted in the area. John M. Gilbert, Hunting and Hunting Reserves in Medieval Scotland (Edinburgh, 1979), 20.

nourished on rough pasture, and may thus have filled a gap in the market.¹⁰⁵

Animals were not used solely for food or export. A great many crafts and industries in the medieval burgh were animal-based. Wool and hair were used for textiles; grease and tallow for candles, tapers, soaps and lubricants; antler, hoof, horn and bone for ornaments, keepsakes, personal and useful goods; the toebones and hooves of cattle for 'neatsfoot oil', a lubricant for leather; dog's dung for treating leather before tanning; even goose feathers for flights for the bolts of crossbows.¹⁰⁶

One of the most important of these industries, and the one most hedged round with restrictions and monopolies, was the production of cloth. The export trade in wool meant that a great proportion of the raw material for this industry left the country, and although some of it returned in the form of finished cloth, this was too expensive and too scarce to meet the needs of everyone. Therefore, a native cloth industry was required, and that such an industry did exist is shown by the various laws which put control of at least the better-quality cloth in the hands of entrepreneurs in the burghs.

For twelfth and thirteenth-century Perth, Duncan has drawn a picture of cloth production controlled at every stage by the merchants who employed different workers to carry out the various processes involved.¹⁰⁷ Certainly there seems to have been a great desire to keep the production of finished cloth confined to the burghs. The coarse unfinished cloth which probably furnished the

105. Hodgson, 'Animal Remains at Perth High Street', 313.

106. Ibid., 23.

107. Duncan, 'Perth', 43.

bulk of the clothing of the rural people was apparently of less concern to the legislators. An old burgh law forbade wool-combers to leave the burgh if there was work for them there, while only burghesses were permitted to buy wool to dye or cloth to finish or shear. There was also discrimination against those who carried out such processes as dyeing with their own hands, as they were excluded from the merchant gild, while waulkers and weavers were forbidden by royal charter from entering the merchant gild of Perth or Stirling.¹⁰⁸ In practice, however, the conditions of the fourteenth century and the financial obligations placed on the burghs by David II's ransom probably led to an easing of these restrictions, as, in Perth and Dunfermline at least, both waulkers and weavers were to be found in the gild in the fifteenth century.¹⁰⁹

While archaeology can reveal little about the actual organisation of the industry, it can provide evidence of some of the processes which were carried on in the burgh and give some idea of the quality of cloth being produced. On the whole, the textiles uncovered so far seem to support the picture of a less quality-conscious native industry, often dealing with poorer wool that was probably not thought suitable for export. It is difficult to be certain about the provenance of many of the textiles and it is possible that some of the better-quality cloths found may also have been made in Scotland, but generally the cloth uncovered is of moderate to poor standard.¹¹⁰

108. Leges Burgorum, c. 103, 20; Stir. Chrs., no. 8; SL, 859/23/2.

109. My thanks to Elizabeth Torrie and Marion Stavert for this information.

110. H. Bennett, 'Textiles' (PHSE, forthcoming), 82-3; Helen Bennett, 'Textiles' in Aberdeen Excavations, 198; Helen Bennett, 'Textiles excavated from Kirk Close, Perth, 1979' (SUAT, forthcoming), 10.

The appearance of the cloth and the finds of various artefacts connected with cloth production provide evidence of various industrial activities, although it must be taken into account that such processes might be carried out on a purely domestic basis as well. However, the number of cloth industry-based surnames, as well as some occupational designations, found in many of the fourteenth-century burghs, implies that there was at least some industrial organisation.

The wool was first prepared by combing or carding, the one resulting in the harder worsted cloth, the other producing the softer woollens. From the evidence of the finished cloths it appears that combing was quite common, although the fact that not all the short fibres were necessarily removed means that many of the cloths were not true worsteds. The presence of wool-combers in Ayr is suggested by the street-name "Cambergate". Carding was a newer method, known in Western Europe by the fourteenth century, but not documented in Scotland before the fifteenth century. Fabrics showing signs of carding have been recovered in Aberdeen and Perth, but it is not known whether or not they were produced locally.¹¹¹

The wool was then spun to produce yarn. Spindles and whorls to weight them have been found at Perth, Aberdeen, and Dundee. The different weight of the spindles at Perth High Street suggests that yarns of different thicknesses were being produced.¹¹² The

111. Bennett, 'Textiles' (PHSE), 4; Robert Gourlay and Anne Turner, Historic Ayr (SBS, 1977), 6; Bennett, 'Aberdeen Textiles', 198; Bennett, 'Kirk Close Textiles', 4; Helen Bennett, 'Textiles from the watching brief, Perth' (SUAT, forthcoming), 1.

112. Bennett, 'Textiles' (PHSE), 3; Judith Stones, 'The Small Finds' in Aberdeen Excavations, 182; I.H. Longworth, 'Dundee' in D and E (1962), 1.

yarn might next be dyed, although at Perth High Street, dyed cloth made up less than 30% of all the textiles found, and most of the dyed fabrics were found together in one group. However, further excavation is needed to determine if this was typical of the fourteenth century as most of the Perth High Street cloths were of the twelfth and thirteenth centuries. Elsewhere, there is possible evidence for dyeing in the form of possible dyeing pits at St. Paul Street, and a Kirk Close pit with heather in the interstices of its hurdle cover which may have come from separating the heather tips used for dye. A piece of felt found at Kirk Close suggests a good standard of dyeing, and a brown and pink tabby, the only possible example of panni radiati yet found, from a watching brief at Perth, was of good enough quality to have been used in fashionable clothing.¹¹³ Again, these may or may not be of local origin. Certainly the import of dyes is documented in the fourteenth century, and references to dyers and dyeing in royal charters as well as surname evidence and occupational designations show that the industry was a common one in the burghs. Weld or dyer's rocket was a native dye plant, producing a yellow colour, and was widely cultivated as well as growing wild on wasteland. Yellow dye could also be extracted from the remains of useful crops, such as the skins of onions. Probably the most commonly-imported dye was madder, which gave a red colour. Woad and brazil were also imported. Of the undyed cloths at Perth, many were made from naturally-pigmented fibres which gave them an irregular

113. Bennett, 'Textiles' (PHSE), 11, 81; H. Murray, 'St. Paul Street', 83; Blanchard, 'Kirk Close' in Town Houses, 37; Bennett, 'Kirk Close Textiles', 7; Bennett, 'Watching Brief Textiles', 3. For the import of striped cloth by Scotland, see ER, i, 117, 142, 400; ER, ii, 216, 370.

mottled tone. Such undyed cloth was probably the type referred to in a burgh law which stated that if a man was forced to alienate his heritage land because of need and it was bought by his kin, they were to provide him with meat, clothes and other necessities, the clothing to be of one colour, grey or white.¹¹⁴

The yarn was next woven to produce cloth. There seems to be some evidence that the vertical loom, which is believed to have been generally replaced by the horizontal loom in Europe about A.D. 1000, continued to be used in Scotland until a much later date. Artefacts which could be associated with the vertical or warp-weighted loom, including a sword beater, a pin beater, and a possible loom weight, have been found in both Perth and Aberdeen. It is possible that the vertical loom survived as a domestic tool until this period, the horizontal loom being used in more professional cloth production.¹¹⁵

Although E. Carus-Wilson has shown the importance of the development of the fulling-mill to the English cloth industry of the thirteenth century, there is too little information about fulling-mills in Scotland to allow a similar picture to be drawn. The earliest reference found by Duncan to a Scottish fulling-mill is to one at Coupar-Angus in the 1260s. Carus-Wilson suggests that the development of the fulling-mill led to a move by the English cloth industry from the town to the country.¹¹⁶ This may also have occurred in Scotland, but it seems that at least some fulling was still being carried out in the burghs as there

114. CDS, iv, no. 462; Abdn. Recs., 174; RMS, i, no. 682; Abdn. Chrs., no. 3; Hadd. Chrs., 1-3; Lanark Recs., no. 2; Bennett, 'Textiles' (PHSE), 11-14, 22; Leges Burgorum, c. 42.

115. Bennett, 'Textiles' (PHSE), 8; Bennett, 'Aberdeen Textiles', 198.

116. E.M. Carus-Wilson, Medieval Merchant Venturers (London, 1954), 183-208; Duncan, Scotland, 510, n.24. A fulling mill of Dryburgh Abbey may date to 1170, but the date of the reference is questionable, M. Ash et al., 'List of Medieval Mills in Scotland', typescript (1980), 1.

were fullers recorded in a number of the burghs in the fourteenth century.¹¹⁷ That fulling was by no means an integral part of Scottish cloth production, however, is shown by the unfulled cloths found among the fourteenth-century fabrics at Perth High Street. Indeed the finest cloths from the site, including some fourteenth-century pieces, were not fulled.¹¹⁸

The import of teasles suggests that the native cloth would be further finished in some cases by raising the nap. At Perth High Street most of the napped fabrics were also sheared, and sheared fabrics were also found at Kirk Close. Iron shears found at Broad Street may have been used for this purpose. "Scherar" was a fairly common surname in a number of burghs during the century.¹¹⁹

Undressed fabrics - those which had not been napped or sheared - were very common at Perth, especially in the thirteenth and fourteenth century levels. Dr. Helen Bennett suggests that the fabrics of natural colour and little finishing were probably domestic weaves, perhaps made for household use rather than for sale. It seems quite likely that the manufacture of the higher-quality cloths, dyed and finished, was under more professional organisation, as the production of such cloth was limited to the burgesses. It was probably sold to families wealthier than most of those whose homes have been excavated. The finds of pieces of silk, net, and tablet-woven braid in Perth and Aberdeen show that there was at least some demand for high-quality textiles.¹²⁰ In common with

117. Abdn. Recs., 8, 44, 129, 145; St Giles Req., no. 17; Moray Req., no. 250.

118. Bennett, 'Textiles' (PHSE), 25-47.

119. Assisa de Tolloneis in Ancient Burgh Laws, c.11; Bennett, 'Textiles' (PHSE), 18; Bennett, 'Kirk Close Textiles', 3; Simpson, Aberdeen's Hidden History, 21; Abdn. Recs., 21; Camb. Req., no. 39; ER, iii, 506.

120. Bennett, 'Textiles' (PHSE), 77-80, 83; Duncan, 'Perth', 44; Anna Muthesius, 'Loom woven textiles of silk' in Bennett, 'Textiles' (PHSE), 51-6; Anna Muthesius, 'Perth, Kirk Close site, silk' (SUAT, forthcoming 1-4; Bennett, 'Aberdeen Textiles', 198-9.

the rural people, however, the poorer inhabitants of the burghs seem to have made do with the poorer-quality native cloth.

Once the cloth was made it could then be sold to be sewn into clothes at home or by tailors. Tailor is one of the most common occupational surnames of the fourteenth century, suggesting that the burgh tailor was a common figure in the towns. His raw materials probably consisted of both imported and native cloth. Bone, copper, and iron needles have been found at Perth, although these may be from a domestic context rather than a tailor's workshop.¹²¹

Local cloth was not used solely for clothing. Coarse tabbies were probably used for matting, although more closely-woven ones such as a piece found at Aberdeen were suitable for sacking. Similar fabrics found at all levels at Perth High Street were perhaps inferior horse-blankets or possibly used mainly for sacking or packaging, although vegetable fibres such as linen were more commonly used for this purpose, as they were cheaper and more robust. It seems possible that vegetable yarn was sometimes scarce as some shoes were found sewn with wool and cow hair, and that wool not suitable for clothing or furnishings may sometimes have been used as a substitute. Better-quality cloths could have been made into blankets and furnishings as well as clothes. Felt might supply the lining for a leather object or be made into a hat or other complete object. A piece from Perth High Street was apparently used as an inner shoe as it was found inside a boot.¹²²

As well as wool, linen might be used in the manufacture of

121. Dunf. Req., no. 349; St Giles Req., no. 19; ER, i, 299; Ayr Chrs., no. 13; MA, M/W1/1; Bennett, 'Textiles' (PHSE), 19.

122. Bennett, 'Aberdeen Textiles', 198; Bennett, 'Textiles' (PHSE), 24-5; Bennett, 'Kirk Close Textiles', 9.

clothes, but little evidence of linen has been found as it does not survive well. Its use as sewing yarn can usually only be conjectured from the evidence of empty stitch-holes. Flax seeds and a possible flax-breaking mallet might suggest the use of linen at Perth High Street, although the flax may also have been used to produce oil. Linen smoothers, probably of the thirteenth century, were found at the same site.¹²³

As important as wool to burgh industry was leather. As Duncan puts it, "Leather kept the rain off you, shod you, saddled your horse, made up your armour, held your drink and even cooked your food."¹²⁴ Streetnames, surnames, occupational designations, and archaeological finds all provide evidence about this industry. Leather offcuts have been found in Aberdeen, Dundee, Edinburgh, Inverness, Perth, and Cupar, while soutars, skimmers, and tanners are found in many documents. Skinnergate and Barker Row in Perth were presumably named after the leather-workers of the area. Leatherworking included several specialised crafts. Surnames suggest the presence of barkers who prepared bark for the tanning process, cordiners who made shoes of new leather, and cobblers who repaired old shoes.¹²⁵

Animal hair suggested the presence of a skinner's workshop near to the Perth High Street site which lies close to Skinnergate. Apparent skinning and tanning tools were also found here. Possible

123. Bennett, 'Textiles' (PHSE), 19, 84; 'Botanical Report' (SUAT), 7; Hunter, 'Mediaeval Glass', 6.

124. Duncan, 'Perth', 36-7.

125. W.F.H. Nicolaisen, 'Tension and Extension: Thoughts on Scottish Surnames and Medieval Popular Culture' in Journal of Popular Culture, 14:1 (1981), 123. Nicolaisen points out the great degree of specialization in medieval occupations. For evidence of leather-working see reports on individual sites in D and E.

tanning pits were uncovered at Broad Street in Aberdeen, on the north side of the High Street in Linlithgow and at Eastgate in Inverness. Tanning was also an industry in the smaller burghs. In 1402, three tanners from Inverurie and one from Newburgh were mentioned in the Aberdeen records.¹²⁶ One of the fourteenth-century buildings at Kirk Close appears to have been a cobbler's workshop, the worn scraps of leather found probably coming from leather objects cut up for re-use. There were also some thicker offcuts, suggesting that cordwaining was also carried out on or near the site. Similar finds were made at Aberdeen.¹²⁷

Shoes made up the majority of leather finds at all the sites where objects were uncovered. Most were of the common medieval turnshoe construction, in which the flesh side was outwards when the shoe was being made, then turned inside out so the grain side was on the outside and the sole/upper seam inside. Also uncovered were rands, which strengthened the shoe and made it more water-proof. The shapes varied from oval toes to the pointed toes which were most common in the fourteenth century at Perth High Street. There were also high shoes and boots with central fastenings, as well as boots of one-piece design with wrap-around thongs, although this second type of boot seems to have dated mainly to the twelfth century.¹²⁸

126. Hodgson, 'Animal Remains at Perth High Street', 23, 24, 28; Simpson, Aberdeen's Hidden History, 17; Catherine Brooks, 'Linlithgow' in D and E (1974), 67; W.G. Duncan, 'Inverness, Eastgate' in D and E (1976), 37; Abdn. Recs., 229, 230. Tanners did not restrict their activity to the burghs. Many tanners were to be found in small 'touns' around Aberdeen.

127. Blanchard, 'Kirk Close' (SUAT), 21; Clare Thomas, 'Leather from Perth, Kirk Close, 1979' (SUAT, forthcoming), 7, 8; J. Stones, 'The Small Finds', 194.

128. Clare Thomas, 'Leather from Kirk Close', 1, 2, 3-4.

Composite soles of seats and foreparts stitched across the waist were found at Kirk Close, Aberdeen, and in mainly the later levels of Perth High Street. These were economical but not very strong. It seems likely that parts of old shoes were being used to make new ones. Repair-work is indicated by the use of clump soles to patch worn ones, and two uppers with splits stitched back together. One shoe at Aberdeen seems to have undergone frequent patching, and almost all the shoe-soles there were heavily worn, parts of the soles being entirely worn away in many cases.¹²⁹ Such wear suggests that shoes were valuable items, cheaper to repair than to replace.

Other leather objects included decorated knife-sheaths, and fragments of belts, one of which was fastened with leather thongs passed through punched holes. Surname evidence also suggests the manufacture of saddles, while Froissart, in his description of the Scottish army, mentions the use of cauldrons "made of leather with the hair on the outside, which were hung on the fires full of water and meat, ready for boiling."¹³⁰

There is also evidence of other animal-based industries in the burghs. Large numbers of horn-cores found in the ditch at South Methven Street suggest the presence of a horning industry in Perth, although the location of this is not known as the horn-cores may have been tipped over the wall as rubbish.¹³¹ Little evidence of horners was found at Aberdeen, but sawn-through horn-cores at Inverness imply the presence of horners near Castle Street.

129. Clare Thomas, 'Leather from Kirk Close', 2-3, 1; Judith Stones, 'The Small Finds', 112, 138.

130. Clare Thomas, 'Leather from Kirk Close', 5; Judith Stones, 'The Small Finds', 152-3; Chron. Froissart, i, 124.

131. My thanks to Michael Spearman for this information. See also Spearman, 'South Methven Street', 10.

Cattle, sheep, and goat horns were all used.¹³²

Like horn-working, antler-working provided many objects used in everyday life. Antler combs, spindle whorls, small hammers and a wedge have been found at various sites, as have antler offcuts, indicating local antler-working. The working of an antler offcut at Perth High Street implies a professional use of the material. The use of antler was widespread in many urban medieval settlements such as Dublin and York, and further excavation may reveal the existence of an extensive antler craft in the Scottish burghs. It seems possible that the same craftsmen may have worked with horn and bone as well. An unfinished knife blade at Perth High Street provided evidence of the working of imported walrus ivory.¹³³

Bone artefacts include dice, spindle whorls, a skate, a button or button former, a bead fragment, and a possible pin beater, and were found in Perth, Aberdeen, and Inverness. Bone might also be used for fertilizer; a fourteenth-century kiln which may have been used for calcinating bone was found at Mill Street in Perth.¹³⁴

The finds of dice suggest one form of entertainment for the burgh inhabitants. The Aberdeen dice are thought to have been used on their own rather than in a board game. The Perth dice show two different systems of numbering, indicating that the earlier numbering system with opposing values equalling seven,

132. Hodgson, 'Animal Bone at Aberdeen', 229, 238; Hodgson, 'Inverness Animal Remains', 377.

133. A.C. MacGregor, 'A Report on Worked Bone, Antler and Ivory' (PHSE, forthcoming), 6-7, 16, 19; Stones, 'Small Finds', 180, 184; Hodgson, 'Inverness Animal Remains', 377.

134. Stones, 'Small Finds', 182; N.L. MacAskill, 'Small Finds' in Wordsworth, 'Castle Street', 373; Lisbeth M. Thoms, 'Trial Excavation at St. Ann's Lane, Perth' in PSAS, cxi (1982), 449; MacGregor, 'Worked Bone', 11-14, 19; McGavin, Mill Street, 9.

was never entirely displaced by the ^{more popular} medieval system. The lack of associated gaming pieces again suggests the use of the dice by themselves, but it is possible that they were lost separately from the board games to which they belonged, or that the playing pieces could have been bones, pebbles, or other common objects. Wooden gaming pieces were also found at Perth. Board games did exist in medieval Scotland. Although no examples have yet been found at urban sites, there are two thirteenth-century merelles boards in Scotland, one from Dryburgh Abbey and the other from Arbroath Abbey. Both were engraved on stones of the fabric of the abbeys, probably during construction work.¹³⁵

As the centre of rural hinterlands and engaged in agricultural pursuits themselves to a certain extent, the burghs had access to a wide range of plants and vegetables, and many of these were used by the burgh craftsmen. Dye-producing plants and flax were used in cloth manufacture, with flax seeds also being used in the production of linseed oil. Heather and bracken were the raw materials for thatchers, brassicas such as turnip rape could be used both for food and oil, potentilla roots were sometimes used for dyeing and tanning and mosses could be formed into ropes or act as packing.¹³⁶

Two of the most important industries based on the agricultural produce of the area were baking and brewing. References to those carrying out these activities abound in the burgh laws and the Aberdeen council records, and Baker, Baxter, and Brouster are among

135. Stones, 'Small Finds', 182; MacGregor, 'Worked Bone', 4-5; Curteis, 'Worked Wood', 62; W. Norman Robertson, 'The Game of Merelles in Scotland' in PSAS, xcvi (1964-66), 321-2.

136. 'Botanical Report' (SUAT), 6-7, 12, 13; M. Fraser and J.H. Dickson, 'Plant Remains' in Aberdeen Excavations, 240.

the surnames of the period.¹³⁷ Oats, grain and rye formed the main staples of everyday diets in Scotland, and therefore those involved in processing them occupied an important place in the burgh economy. Both brewing and baking could be carried out either domestically or commercially. Each burghess was allowed to have an oven on his land, while among the goods that were to pass to his heir were a "leyd" (a brewing implement), a "mask-fat" (a brewing vat), and a "gylfat" (a vat for fermenting wort).¹³⁸

Evidence of a grain-based industry which could be either milling or brewing was found outside the walls of Perth at Methven Street, where a high proportion of carbonised grain survived in a late-fourteenth century structure. In its next phase, the building may have been extended and its closeness to a water-filled gully, an internal tank-like lined pit, and the same high proportion of grain suggests that it may have been "part of a larger milling or brewing complex". Newburgh, Fife, had disputes with Lindores Abbey in 1309 over its brewhouses, while evidence for brewing at both Aberdeen and Perth is furnished by the finds of barley of the lax-eared variety which was commonly made into ale.¹³⁹

The existence of baking on a commercial basis in Aberdeen was suggested by the find of an apparent bread oven of the late thirteenth century with a capacity probably larger than that which was required for purely domestic use. A building at Kirk Close, probably of the early fifteenth century, apparently had a bakehouse

137. Leges Burgorum, c. 36, 59, 60, 63; Abdn. Recs., 50, 64, 93-5; Kelso Lib., no. 479; SRO, GD1/5/2; ER, 11, 596; Fraser, Colquhoun, ii, no. 18; RMS, i, nos 639, 682.

138. Leges Burgorum, c. 18, 116.

139. Spearman, 'South Methven Street', 7, 10; Lind. Lib., no. 10; Fraser, 'Plant Remains', 240; Mary J. Fraser, 'Perth High Street Plant Remains' (PHSE, forthcoming), 6.

at its south end. An oven with charred grain remains was sunk into the floor. Elsewhere in Perth possible grain-drying kilns were found. Arbroath apparently had one bakehouse which was held of the abbot in 1382.¹⁴⁰

The many regulations governing brewing and baking afford some glimpse into the organization of these industries. Both men and women were involved, and it seems as though both activities were organized mainly on an individual basis. Women brewing ale were to sell it all year round, not just occasionally, but they were not to buy more than one chalder of oats per week to make malt. They were also to sell by the potsful and not by sealed measures. The ale was subject to testing by the official ale-tasters of the burgh, of which seven were chosen in Aberdeen in 1398. Bakers were to bake bread to a quality determined by the leaders of the community, and were not to have more than four servants working at their oven. The trade of each burgh's brewers and bakers was safeguarded by a law that no burghess might bring bread or ale from one burgh to another to sell.¹⁴¹

Another useful material from the hinterland, although one that was becoming scarcer in many places, was wood. An unusually large amount of wooden objects was preserved at Perth High Street, revealing much about everyday implements and the standards of the craftsmen who made them. While there was no direct evidence of woodworking on the site, the finds suggest that there were probably turners working in or near Perth. The fact that staves of small bowls were discarded in good condition implies that

140. Fraser, 'Plant Remains', 53; Blanchard, 'Kirk Close' in Town Houses, 35; L. Blanchard and L. Ross, 'Meal Vennel' (SUAT, forthcoming), 4; McGavin, Mill Street, 9; Arb. Lib., ii, no. 38.

141. Leges Burgorum, c. 64, 60; Statuta Gilde, c. 43; Articuli Inquirendi, c. 15; Abdn. Recs., 21; Fragmenta Collecta, c. 5. Interestingly, the 1558 Muster Roll for Edinburgh shows up to nine persons working in a bakehouse, Edinburgh City Archives, MS Council Register, ii, f.137^r. My thanks to Dr. M. Lynch for bringing this document to my attention.

they were cheap and readily replaced. There was also possible woodworking debris at Kirk Close.¹⁴²

There were both turned and staved vessels, showing a variety of techniques the number of which has not been equalled at any other site in Britain or Ireland. Staved vessels included bowls, mugs, tankards, a porringer, buckets, and barrels. Buckets were used for bathing and holding water, while barrels had many uses including storage. At Elgin, a mid-fourteenth century pit was lined with a barrel with the top part sawn off. The staved tankards, most of which came from fourteenth-century levels, may represent the early stages in the development of such vessels, while the fourteenth-century remains of a possible porringer would be the earliest Scottish example of a vessel which became very common in Scotland, Ireland, Wales, and Scandinavia.¹⁴³

Turned objects consisted mainly of simple turned bowls, but there were also the remains of plates, platters, containers, lids, bobbins, and a candle holder. Most of the bowls have cutting marks on the undersides, implying that they were used as chopping surfaces as well as food containers. Only a few date to the fourteenth century, and it is possible that they were replaced by bowls of a different material about this time. Household implements of wood included a large ladle, spoons, and strainers, and two possible spatulas. One of the spoons may have been a personal eating spoon, while the other resembled a stirrer. Twelve spoons were among the heirship goods mentioned in the burgh laws. A small scoop, perhaps for measuring powder or grain, may have been industrial, as it came from the site of a possible

142. Curteis, 'Worked Wood', 1; Blanchard, 'Kirk Close', 22, 24.

143. Curteis, 'Worked Wood', 1-3, 4-5, 7, 12, 14-15.

workshop.¹⁴⁴

Many wooden pins, most of which were whittled from small splinters of cleft wood, were found in fourteenth-century levels. It is possible that they were mass-produced and were used generally for a variety of domestic purposes, although they could also have been used in the baling of wool. The rough finish of many of the pins means that they were probably not used with textiles. The blades of two shovels were probably from tools used to lift loose materials rather than to cut into hard surfaces. In the fourteenth century such shovels were used to clear mud from a water course, mix mortar, move earth, and lift sand.¹⁴⁵

An early thirteenth century patten, perhaps worn by a child or a small adult for working in marshy fields, was probably the possession of a poorer inhabitant of the burgh. In the fourteenth century, pattens were adopted by wealthier persons for use in wet weather. In 1399, in Aberdeen, a woman suffered the theft of one pair of "galochis" or shoes with wooden soles, while in St. Andrews the presence of Arnold Patynmaker in 1404 suggested that pattens could be obtained locally.¹⁴⁶

Workers in wood included carpenters, and it may have been such craftsmen who were responsible for the erection of the better-constructed houses of the burghs. Tongued and grooved planks from the large thirteenth-century house at Perth High Street appear to have been more deliberately fashioned structural components than the more usual stakes and wattles or the re-used

144. Curteis, 'Worked Wood', 22, 25-7, 33-8. A spoon of the late thirteenth or early fourteenth century was also found in Brechin, although it may be an import, G.E.P. How, 'Early Scottish Spoons' in PSAS, lxi (1934-35), 147.

145. Curteis, 'Worked Wood', 43-6, 57-8.

146. Ibid, 65; Abdn. Recs., 38; St. AUL, SL110/6/9.

wood found in some of the Kirk Close buildings.¹⁴⁷

Another industry which involved the use of wood was shipbuilding. Ships were apparently built at Inverness and Ayr in the thirteenth century. It also seems possible that there was such an industry at Perth, as the components of nine separate boats have been found. Most of these craft appear to have been clinker-built boats which would serve as river craft and ferries but one artefact may have come from a more substantial sea-going sailing vessel. These boat timbers were often re-used for structural purposes in the burgh buildings, in Aberdeen as well as Perth.¹⁴⁸ It is possible that these timbers came from foreign ships, but even if they did, in their re-use they were incorporated into the activities of the burgh.

An industry which made use of underwood was basketmaking, of which so far evidence has only been found at Perth, although the occupational surname "Leaper" was in use in fourteenth-century Edinburgh and Aberdeen. Baskets were used universally in the Middle Ages for the storage and carriage of goods. Large finely-made baskets which held bread were among the most expensive, while meat baskets, used to take meat from the butcher and to store it, were cheaper as they were not so fine. The basketmakers of Perth seem to have preferred to use underwood rather than wattles or hurdles in their craft.¹⁴⁹

For the more substantial buildings of the burgh such as the parish church and perhaps the houses of the wealthier burghess

147. Curteis, 'Worked Wood', 78; A. Crone et al., 'Kirk Close Structural Wood Report' (SUAT, forthcoming), 3.

148. ER, i, lxxiv, 6; C. Martin, 'The Boat Timbers' (PHSE, forthcoming), 93-101; J. Stones, 'Iron Objects' in Aberdeen Excavations, 188.

149. St Giles Reg., nos 14, 15; Abdn. Recs., 85; D. Wright, 'The Baskets' (PHSE, forthcoming), 102-5.

families, the services of stone masons would be required. A late fourteenth- or early fifteenth-century effigy of a mason was found in St. Andrews, surrounded by representations of his mallet, hammer and mason's square. In 1387, an agreement was made by the burgh of Edinburgh with three masons who were to build five chapels on the south side of the parish church. William Plumer of Tweeddale, burgess of St. Andrews, seems to have been able to work in both stone and lead as he was hired by the abbot of Arbroath to repair the choir of the abbey with both these materials.¹⁵⁰

Workers in stone might also make smaller everyday articles. Sandstone sharpening wheels, a spindle whorl and whetstones at Aberdeen were probably made locally, while Henry Slater may have been making slate roofs in 1399. Several Perth whetstones were of local stone, and a stone bowl, probably used as a mortar, found in Inverness, was probably of local stone and workmanship.¹⁵¹

An industry which may be more surely identified in the burghs is metal-working. Fragments of moulds and metalwork debris have been found in Lanark, Perth, Aberdeen, Dundee, Inverness and Elgin.¹⁵² Deposits of metal artefacts which may represent a local metal-working industry have been recovered at Dumfries, Brechin and Hawick. Wherever the metalworkers were located,

150. National Museum of Antiquities of Scotland, Angels, Nobles and Unicorns, exhibition catalogue (1982), 68; Edin. Chrs., no. 14; Arb. Lib., ii, no. 43.

151. N.H. Trewin, 'The Stone Objects' in Aberdeen Excavations, 184; Abdn. Recs., 68; D. Caldwell, 'The Stone Objects' in Blanchard, '45 Canal Street', 2; Collins, 'Stone and Glass', 373.

152. Archer, 'Lanark' (1976), 41-2; Spearman, '33-35 Canal Street', 4, 25; Stones, 'Small Finds', 191; Lloyd R. Laing, 'Medieval Pottery in Dundee Museum' in PSAS, ciii (1970-71), 171; Wordsworth, 'Castle Street', 333; Lindsay, 'Elgin', 44. See Bogdan, Perth Excavations, 23, for illustration of a brooch mould.

however, it is evident that Scotland did have skilled workers in the craft, as is shown by such collections as that of fourteenth-century silver brooches, and the beautiful Bute Mazer. Interestingly, it appears that many of these craftsmen were quite illiterate, as few of the inscribed brooches have all the words correctly spelled or the letters properly formed.¹⁵³

Metalworking could include the fashioning of objects in gold, silver, bronze (copper alloy), lead, and iron. John the Goldsmith, burgess of Edinburgh, gilded plate and made ornaments for David II after his return from England. At Aberdeen a small balance arm may represent the activity of a goldsmith or worker in another precious metal as it was found in association with a number of metal objects. There was a goldsmith recorded in Aberdeen in 1364. Several copper alloy sheets and objects such as buckles, pins, and brooches suggest the existence of metalworking in the burgh, as do copper alloy objects at Inverness. There was also evidence of bronze-working at Dundee and Lanark, and one area of 33-35 Canal Street had finds indicating the casting of non-ferrous metals in the fourteenth century.¹⁵⁴

Considerable evidence of iron-working was found at Inverness, disproving Froissart's statement that all manufactured iron goods had to be imported from the Continent.¹⁵⁵ Traces of

153. J. Graham Callandar, 'Fourteenth-Century Brooches and Other Ornaments in the National Museum of Antiquities of Scotland' in PSAS, lviii, (1923-24), 58, 198; 'A Medieval Bronze Brooch' in THAS (1970), 29; J.H. Stevenson, 'The Bannatyne or Bute Mazer' in PSAS, lxxv (1930-31).

154. ER, i, 616-7; ER, ii, 65, 160; Colvin Greig, '2 Queen St. Midden Area 1973' in Aberdeen Excavations, 23; Abdn. Reg., i, 284-6; J. Stones, 'Copper Alloy Objects' in Aberdeen Excavations, 186; MacAskill, 'Small Finds in Inverness', 368, 370; Laing, 'Pottery in Dundee', 171; Archer, 'Lanark' (1977), 21; Spearman, '33-35 Canal Street', 24-5.

155. Chron. Froissart, ii, 36. Nor was he any more accurate when he made a similar statement about leatherworking.

the industry were found in levels from the thirteenth to the fifteenth century, with actual iron-working furnaces being uncovered in the later levels, and pieces from furnace structures and their linings found in a late thirteenth/early fourteenth century phase. Among the iron objects at the site were nails and clench bolts, as well as shears and horseshoes. Iron barrel padlocks from Aberdeen and Perth were probably made locally, as the record of a Robert "lokessmyth" in Scotland in 1214 suggests the existence of such a craft from at least the thirteenth century.¹⁵⁶

Waste pieces in Aberdeen show lead being worked by itself and in combination with copper, while at Perth a ring of lead and another of a copper and lead alloy were found. At Kelso, small furnaces beside the Abbey were probably used for the smelting of lead to make window kames and other items, while work on the choir at Arbroath in 1394 was to include the use of lead.¹⁵⁷

Possible evidence of working in pewter was found at Perth in the form of a late thirteenth-century trade token. The craftsmanship involved in the manufacture of this token was superior to that of many of such tokens found elsewhere in Britain. A mould from Dundrennan Abbey suggests that they were made in Scotland. It is thought that they circulated before the 1280s when Alexander III introduced halfpennies and farthings.¹⁵⁸

156. R.M. Spearman and E. Slater, 'Physical Analysis of the Metalworking Debris' in Wordsworth, 'Castle Street', 354-6; MacAskill, 'Small Finds in Inverness', 371-3; Stones, 'Iron Objects', 188; Nicolaisen, 'Scottish Surnames', 123.

157. Stones, 'Small Finds', 188; John Cherry, 'Report on Two Lead Mounts and Four Dress Rings from Perth High Street Excavations' (PHSE, forthcoming), 3-4; C.J. Tabraham, 'Kelso Abbey' in D and E (1975), 50-1; Arb. Lib., ii, no. 43.

158. J.D. Bateson, 'A Medieval Pewter Token' (PHSE, forthcoming).

A more specialised type of metalworking and one which was under strict royal control was the minting of the Scottish coinage. The records of the Exchequer and the coins themselves which usually carry mint names provide evidence about the industry. Although in most finds Scottish coins are greatly outnumbered by foreign, especially English, coins, there was a regular production of Scottish coinage. During the fourteenth century mints were to be found at various times in Edinburgh, Aberdeen, Perth, Dundee, Dumbarton, and possibly Glasgow. Adam Tore, burgess of Edinburgh, was made master of the mint in Edinburgh in 1357, his duties probably including the buying of bullion and the issuing of new coins. The design of the coinage seems to have been entrusted largely to foreign craftsmen, perhaps because they appear to have had experience with the production of the English mints which served as a model for the Scottish coinage.¹⁵⁹ Local craftsmen did have some part to play in the workings of the mint, however, as John the Goldsmith was paid for work in connection with the Edinburgh mint in 1364.¹⁶⁰

One other industry produced a great number of the objects used in everyday life. Pottery survives in large quantities at most sites, and therefore suggests patterns of development and change, as well as allowing comparison between various burghs. Finds at Aberdeen, Inverness, Elgin, Linlithgow and Perth have suggested that the Scottish pottery industry underwent a major

159. I.H. Stewart, The Scottish Coinage (London, 1955), 27, 35, 39, 40, 3; Adams, Urban Scotland, 42; ER, ii, xciii. Bonagius of Florence worked in the Durham mint before coming to Edinburgh, Stewart, Coinage, 26. For the predominance of English coins, see George MacDonald, 'A Hoard of Coins Found at Perth' in PSAS, lv (1920-21), 281.

160. ER, ii, 160. The standard of David II's coinage is attested to by the discarding of an unused upper die with a blundered inscription, W.S. Hocking, 'Notes on a Collection of Coining Instruments in the National Museum of Antiquities, Edinburgh' in PSAS, xlix (1914-15), 312.

change in the late thirteenth and early fourteenth centuries.

A native pottery industry existed from at least the early thirteenth century, apparently much influenced by wares from Carlisle in the west and by Yorkshire pottery, especially Scarborough ware, in the east. White Gritty ware, produced at such kilns as Colstoun near Haddington and possibly Balchrystie in Fife, was a common ware in the east, and was also found in northeast England and at least some parts of west Scotland.¹⁶¹

In the late thirteenth century a change took place with the increasing development of local pottery industries. It is possible that some local industry existed at an earlier date, but it is not until the late thirteenth/early fourteenth century that such pottery begins to predominate. The development of this industry may have been partly in response to the demand created by the sale of such imports as Scarborough ware, although it did not necessarily involve slavish copying. Another factor in the growth of local industry may have been the disruption to English imports caused by the Wars of Independence. War conditions would also disrupt the distribution of White Gritty ware as many of the kilns were in areas subject to frequent English occupation.¹⁶²

Possible kilns have been found at Dundee and Dumfries, although no kilns producing local wares have yet been positively identified.

161. Lloyd R. Laing and Eric J. Talbot, 'Some Medieval and Post Medieval Pottery from SW Scotland' in Glasgow Archaeological Journal, iii (1974), 43; Lloyd Laing, 'Cooking-Pots and the Origins of the Scottish Medieval Pottery Industry' in The Archaeological Journal, cxxx (1973), 192, 193; MacAskill, 'Pottery' (SUAT), 8, 19.

162. MacAskill, 'Pottery' (SUAT), 20, 21; MacAskill, 'Small Finds in Inverness', 366; Laing, 'Cooking-Pots', 199. The wars may have had a similar effect on the development of other local industries, although finds have not yet been extensive enough to show this. The possibility, however, throws open to question the supposed decline of Scottish crafts due to the wars, as expressed in Stevenson, 'Low Countries', 274.

Clay which had been quarried in the thirteenth century at Virginia Street in Aberdeen may have been used by potters although it could also have been used for building.¹⁶³

The fabric known as Perth Local forms the majority of sherds on all sites at Perth, and has similarities in form and fabric to the local wares of Aberdeen, Inverness, and Elgin. At Aberdeen there were at least two fabrics made of clay from the Aberdeen area. The local wares of Inverness, Elgin, and Linlithgow came to predominate in their own burghs by the mid-fourteenth century.¹⁶⁴

White Gritty ware continued to be important both in Perth and Aberdeen, and it is likely that this was marketed together with local ware, at least when White Gritty was available, perhaps with some separation in markets and functions, at least at first. At Forfar, Perth Local and a White Gritty ware whose source of clay was probably the Strathmore area were the major finds,¹⁶⁵ suggesting that perhaps the local industry, if there was one, imitated these two common wares.

163. Laing, 'Pottery in Dundee', 172; A.E. Truckell and J. Williams, 'Mediaeval Pottery in Dumfriesshire and Galloway' in TDGAS, xliv (1967), 159. A site at Wellbank, Kinnoull was thought to be a kiln producing Perth Local ware, but it now seems more likely that it was not a kiln. See R.B.K. Stevenson and A.S. Henshall, 'Probable 13th-Century Kiln-site at Perth' in PSAS, xc (1956-57); George Haggarty and Lisbeth M. Thoms, 'Report on the Pottery' in Thoms, 'St. Ann's Lane', 440; 'Watching Briefs' (SUAT), 4. In England, potters' kilns have been found in the suburbs of some towns, Colin Platt, The English Medieval Town (London, 1976), 48. See Aberdeen Excavations, 107.

164. MacAskill, 'Pottery' (SUAT), 2; M. Kenworthy, 'Analysis of the Fabrics' in Aberdeen Excavations, 116; MacAskill, 'Small Finds in Inverness', 355, 366; Lloyd R. Laing, 'Excavations at Linlithgow Palace, West Lothian, 1966-7' in PSAS, xcix (1966-67), 129, 131.

165. MacAskill, 'Pottery' (SUAT), 20, 21; M. Kenworthy, 'Analysis of the Fabrics', 123; Christine Scott, 'Pottery' in Spearman, 'Forfar', 463-4.

Some local pottery continued to be influenced by English and White Gritty wares. Many of the early Perth Local wares have a white slip which may be an imitation of the white fabric produced from the low iron-content clays of south and east Scotland and northeast England. Some decoration is also similar to that on Scarborough ware jugs. The three-handled jugs which were popular in Scotland in the fourteenth century may have originally developed in York. French influence may have been at work in the development of the Scottish two-handled cooking pot, while Low Countries influence is apparent in some of the decorative motifs. On the whole, however, local wares tended to be coarser than the imports and often orange in colour.¹⁶⁶

Most of the pottery finds at urban sites were either jugs or cooking pots, although at Aberdeen there were also some unique well-made thin-walled beaker vessels which may have been drinking vessels as their thin walls and a lack of sooting imply. At Perth the earlier local wares were mostly cooking pots, but jugs later came to predominate. At Inverness, the local wares were all jugs, wheelthrown and of simple design with little decoration. The White Gritty wares at Dundee were also mainly jugs. This pattern may suggest that, as in England, metal cooking-pots were gradually replacing the pottery ones during the course of the fourteenth century.¹⁶⁷

166. MacAskill, 'Pottery' (SUAT), 6, 21; Haggarty, 'St. Ann's Lane Pottery', 440; Laing, 'Pottery from SW Scotland', 44; Laing, 'Cooking-Pots', 198-9.

167. M. Kenworthy, 'Analysis of the Fabrics', 123; MacAskill, 'Pottery' (SUAT), 3, 20; MacAskill, 'Small Finds in Inverness', 361; Laing, 'Pottery in Dundee', 172; Laing, 'Cooking-Pots', 99. The influence of metalware was also evident in the design of some fourteenth-century Scottish pottery, Stewart Cruden, 'Scottish Medieval Pottery: the Bothwell Castle Collection' in PSAS, lxxxvi (1951-52), 151.

As well as jugs and cooking-pots, pottery items included dripping trays, small dishes, and colanders. There was probably not a strict separation of function according to form. Cooking pots could equally well be used for cooking, storage, or as tablewares. Jugs showing signs of fire-blackening may have been used to heat up liquids or re-used as cooking pots when their necks had broken. The replacement of wooden roof shingles by cheaper pottery tiles which seems to be indicated at Perth High Street may be another indication of the growth of the pottery industry after the mid-thirteenth century.¹⁶⁸

Although the development of a local pottery industry in the burghs can be traced in general terms it is not possible to learn the precise details of its organisation or even if this was similar in the different burghs. This is a problem common to the interpretation of all archaeological evidence, both because of the impossibility of precise dating and also because only limited areas of the burgh are being uncovered. And yet, this problem has a useful dimension. In demonstrating the difficulty of extrapolating the conclusions arrived at at various sites to fit the burghs as a whole, it shows the danger of assuming that what is shown by documentary evidence to be characteristic of one burgh may be the case in any of the others.¹⁶⁹ Thus the individuality of the Scottish burghs is demonstrated by both historical and archaeological evidence.

168. MacAskill, 'Pottery' (SUAT), 3, 7; Curteis, 'Worked Wood', 70.

169. Dickinson stresses the individuality of the burghs, W. Croft Dickinson, 'Burgh Life from Burgh Records' in AUR, xxxi (1946).

CHAPTER TWO

GOVERNMENT

Fundamental to the status of the burgh in the fourteenth century was the existence of its separate legal jurisdiction and the apparatus of government and administration which accompanied this.¹ Whether holding their lands from the crown, the church, or a lay lord, the burgesses were free of shrieval control, and enjoyed, although to greatly varying degrees, some measure of self-government, centred on the burgh court.² Direct evidence of the functioning of burgh government is scanty for the fourteenth century but an examination of the material which does survive in conjunction with the ancient burgh laws³ can provide some information about the structure of the local administrative systems and the duties of the personnel involved.

Such measure of government autonomy as was to be found in

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1. Nicholson, Scotland, 14, 17; Dickinson, W.C., Scotland from the Earliest Times to 1603, 3rd ed., rev. ed. A.A.M. Duncan (Oxford, 1977), 104-5, 113; S.G.E. Lythe and J. Butt, An Economic History of Scotland 1100-1939 (Glasgow, 1975), 29. This was also true of many English and Continental boroughs, Susan Reynolds, An Introduction to the History of the English Medieval Town (London, 1977), 91-2; Stephenson, Borough and Town, 33, 44.
 2. Abdn. Recs., xl; Barrow, Kingship and Unity, 99; Dickinson, Scotland to 1603, 108; Nicholson, Scotland, 263-4; Murray, Burgh Organization, i, 8.
 3. These laws and customs are collected together in Ancient Burgh Laws. Mackenzie calls into question the validity of the laws as an accurate presentation of burgh society, Mackenzie, Burghs, 21-30. While recognizing that they should be taken as an indication of the social conditions of the time rather than as unalterable fact, it seems that they are useful in helping to draw a picture of life in the medieval burgh, especially if they are used in conjunction with other documentary evidence.

the burghs of the 1300s was not, so far as can be seen, a feature of the burghs when they were first created. The earliest burghs were originally under the control of the officers of the king or burgh lord. This was to be expected as the burgh was a new institution established to foster trade and, as a result, peace, by attracting new inhabitants, including those from outside the realm.⁴ Some measure of supervision had to be enforced over the new development as it was unlikely that the newly-arrived settlers would be able to set up a local administration on the spot, unless they were sent specifically for that purpose as in the case of Mainard, the Fleming, burghess of Berwick, who helped the bishop of St. Andrews establish his burgh.⁵ Where a burgh was created on the site of an already-existing settlement, the original inhabitants would have little or no experience of municipal organisation but would be accustomed to the control of their affairs by the sheriff, or other crown officials. As many of the new burghs were beside castles and were the chief towns of their respective sheriffdoms they were the natural place of residence of the sheriffs and other royal officers, who were therefore the most obvious choice as supervisors of the new institutions.⁶

While the motives for the establishment of the burghs were mixed, one of the most important aspects of these trading towns

4. Mackenzie, Burghs, 37-8, 56, 163; Barrow, Kingship and Unity, 92; I.F. Grant, The Social and Economic Development of Scotland Before 1603 (Edinburgh, 1930), 307.

5. ESC, no. 169. Duncan feels, however, that the strong foreign element in burghs such as Perth and Berwick would be likely to assert its financial independence from the sheriff immediately. Duncan, Scotland, 159.

6. Abdn. Recs., xix-xxi; Dickinson, Scotland to 1603, 105. For the sheriff as farmer of the burgh, see Duncan, Scotland, 483.

was a financial one. Not only did the burghs provide protected places for commerce and thus aid the smooth running of the national economy,⁷ but they also contributed directly to the revenue of their overlords. This second point was probably a more important consideration for their superiors. The grant of a burgh to an abbey, a bishop, or a lay lord was regarded by the recipient as far more valuable than mere grants of land, for "burghal privilege, transcending all such semi-private concessions, extended as far as the defence of commercial rights and immunities against encroachment by neighbouring king's burghs."⁸ The possession of a burgh benefited them in the same way as the king in that all revenues in the form of burgage rents, tolls, issues of the court, and market customs came directly to their purses. The king's burghs, as the centres of overseas trade, became the collection points for the customs dues imposed from the late thirteenth century. In the fourteenth century the grant of feu-farme charters meant that many burghs now permanently farmed the burgh revenues, but the customs revenues continued to be paid directly to the crown. It is also significant that it was the chamberlain, the chief royal financial officer, who conducted the yearly inquiries into the affairs of the burgh. Other officials appointed by the king to duties within the burghs had jobs which were mainly concerned with the financial administration of the towns, especially the customs.⁹

7. Dickinson, Scotland to 1603, 106. For other motives, see Nicholson, Scotland, 16; Mackenzie, Burghs, 8-14, 50-6.

8. George S. Pryde, ed., The Court Book of the Burgh of Kirkintilloch, 1658-1694 (SHS, 1963), xxxiii; G. Donaldson, Scotland The Shaping of a Nation (Newton Abbot, 1974), 233.

9. Mary Bateson, ed. 'The Scottish King's Household and other Fragments' in SHS Misc., ii (1904), 32; W. Croft Dickinson, 'A Chamberlain's Ayre in Aberdeen 1399 x 1400' in SHR, xxxiii (1954), 27; Dickinson, Scotland to 1603, 111. See below, pp. 273 - 7 for a discussion of these offices.

It seems likely that the administration of the burghs was originally in the hands of those responsible for collecting the superior's revenues. In the king's burghs these might be the sheriff, the prepositus of the royal manor on which a burgh was erected, or even possibly, as Dickinson suggests, the constable of the royal castle beside which a settlement developed.¹⁰ Other royal officials known as prepositi or ballivi aided them. The burgh court, held in the name of the king, enforced the regulations which gave effect to the administration. Early references to such courts include those of St. Andrews, 1226 x 1258, and Perth, 1245.¹¹ In both cases these are called "court of the burgesses" rather than "court of the burgh", implying that while they were attended by the burgesses they were not controlled by the burgh as such.

As the burgh population grew it would probably come to be easiest to delegate the responsibility for collection of the revenues to those who were members of the local community. Moreover, the office was an unattractive one to outsiders unless they could make a profit by farming the revenues.¹² It was probably for these reasons that the practice developed of appointing the prepositi and ballivi, the men in charge of the

10. Mackenzie, Burghs, 97; Duncan, Scotland, 483; Abdn. Recs., lxxvii-lxxviii. There is no clear evidence of constables acting in this way, however, with the possible exception of Dundee where the constable gave up certain powers to the burgesses in the late fourteenth century, RMS, ii, no. 615. See below, pp.127-8. Dickinson bases his suggestion on a comparison with the boroughs established by Edward I in Snowdonia, but the pre-eminent military purpose behind the establishment of these boroughs renders the comparison invalid. For the constable in Wales, see E.A. Lewis, The Mediaeval Boroughs of Snowdonia (London, 1912), 147-57.

11. See below, p. 118.

12. Abdn. Recs., lxxxi, lxxviii. In the fourteenth century, the chamberlain sometimes leased a burgh's revenues to farmers for a fixed sum, ER, i, 157, 299, 353.

king's revenues, from among the burgesses,¹³ perhaps from men suggested to the king by the inhabitants. From here it was only a short step to having the burgesses themselves choose the officials from among their number. As long as the revenues were rendered regularly it was unlikely that the king or burgh superior would have much objection. Although chosen by the burgesses, the prepositi and ballivi were still the king's officers and as such were ultimately responsible to him rather than to the burgh. This was demonstrated at the chamberlain ayres when the ballivi stood challenge for their administration, acted as executive officers for the chamberlain, and were held responsible for the issues of the ayre.¹⁴

Sharp definition and distinction of function or role was not a characteristic of Scottish medieval society, a point emphasized by George Pryde in his comparison of the status of king's burghs and that of those with ecclesiastical or baronial overlords.¹⁵ The same blurring of distinctions was apparent in the role of the prepositi during the fourteenth century. In the first half of the period they continued to render the burgh fermes to the Exchequer, although bailies also performed the same function for some burghs. After 1359, only bailies appeared at the Exchequer. It seems that the prepositus or alderman had become the head of the community in many burghs and, as such,

13. There were burgess prepositi in Perth before 1162 and in Inverkeithing by 1170, Duncan, Scotland, 483.

14. Abdn. Recs., lxxxi-lxxxii. For a description of the proceedings of the chamberlain ayre, see Dickinson, 'Chamberlain's Ayre' and Modus Procedendi In Itinere Camerarii Infra Regnum Scocie in Ancient Burgh Laws, 132-54.

15. Pryde, Kirkintilloch, xxv. The lack of precise definition of roles in this period is also stressed in Reynolds, English Towns, 116-17; Mackenzie, Burghs, 69; Dickinson, 'Burgh Life', 214.

left the financial affairs to the bailies. Dickinson points out that the time of the change was significant as it occurred shortly after arrangements were made to pay David II's ransom and therefore at a period when the burgesses were taking an increased financial responsibility.¹⁶ This would require a more extensive administration on the part of the burgesses and would lead to a division of responsibilities between the prepositus and the bailies. This did not mean, however, that the prepositus was now independent of royal control. Throughout the century, many of the king's mandates continued to be issued to the "prepositus and his bailies".

It must be kept in mind that no two burghs were identical in their stage of development or their local environment and that therefore the structure of municipal government could vary widely. "If a system worked, however illogical or unlegalised, it stood."¹⁷ Although the early charters do show a certain amount of inter-burghal borrowing in the privileges that were obtained from the king, the extensive affiliation which was a characteristic of many contemporary English boroughs does not seem to have been common in Scotland.¹⁸ Many of the burghs which existed in the fourteenth century are rarely found in the records of the Exchequer but it seems unlikely that the king would forego the revenues owed to him. These burghs may have accounted through the sheriff,¹⁹ a method which implies a less-developed local administration. However, among the larger and more prosperous

16. Abdn. Recs., cii-ciii.

17. Mackenzie, Burghs, 96.

18. Charles Gross, The Gild Merchant (Oxford, 1890), 258-9. Examples of affiliation among the Welsh boroughs are described in Lewis, Snowdonia, 14-15.

19. Abdn. Recs., lxxi, n.1.

burghs, there is evidence of an organized system of municipal government and there are also references to many of the responsibilities which went with the various offices. From these records certain variations in local practice can also be seen.

The collection known as the Ancient Laws and Customs of the Burghs of Scotland comprises several groups of 'laws' from different periods. While some legislation might be attributable to the time of David I, other articles such as those of the Iter Camerarii, which deal with the proceedings of the chamberlain ayre, appear to date from the end of the fourteenth century. Law must change and develop to meet new conditions if it is to survive as a viable force, and it is a mark of the vitality of the Scottish burgh laws that new legislation appeared during the fourteenth century, although it mainly reinforced the earlier customs. Both the Articuli Inquirendi and the Juramenta Officiariorum are apparently of the time of Robert I.²⁰ The Articuli, a list of points to be examined by the chamberlain on his ayre, enforced existing legislation by ensuring that it was upheld. The Juramenta detailed the oaths to be sworn by various burgh officers when they took up their posts, thus making both them and those they governed aware of their duties and responsibilities. A similar oath was prescribed for the new burgess, thus emphasizing that he too was to take part in the government of the burgh.

By the fourteenth century the local government of many burghs had developed into a fairly complex administrative

20. See Ancient Burgh Laws, iii-iv for the proposed dating of the various groups of laws. Comparative tables of the different manuscripts are given in APS, i, 212-65.

structure. As trade prospered and the population grew, the affairs of the burgh required more and more supervision. The administration which was at first concentrated in the hands of one man, the prepositus, with later the bailies to help him, soon required the services of more men. Thus the various burgh offices developed, with responsibilities for different aspects of burghal government delegated to specific officers. This process was well under way by 1300, as almost all the offices found in the fourteenth-century records are referred to in the Leges Burgorum or the Statuta Gilde, two bodies of laws which were both in existence by the late thirteenth century. Three of the offices discussed below appear for the first time in the records of the 1300s but whether these were fourteenth-century developments or whether their presence is simply not referred to in the earlier period cannot be ascertained.

A general picture of burgh government can be drawn from examining separately the individual offices and then looking at the functioning of the administration as a whole. In those burghs which had a fairly fully-developed administration in the fourteenth century the officers of the town included the alderman or provost, the bailies, the sergeants, the liners, the tasters of wine, the tasters of ale and the appraisers of flesh. With the addition of depositores and "men in charge of kirk work", all these offices are to be found in Aberdeen at the end of the fourteenth century when the earliest surviving series of burgh records begins. A common council was also in attendance.²¹

21. Abdn. Recs., 100-1.

In those burghs where the administration was not entrusted solely to the bailies, the chief magistrate was the alderman or provost, or, in the case of Berwick where the alderman was head of the gild, the mayor.²² Before 1398, there is no record of the election of an alderman - and even this record states simply that he was chosen, without detailing the method - but the Leges Burgorum and Statuta Gilde indicate that from an early date he was chosen from among the burgesses. With the bailies he was appointed at the first headcourt after Michaelmas "thruich the consaile of the gud men of the toune, the whilk aw to be lele and of gud fame." This description suggests that the electorate was restricted to those who were burgesses of the town. In Berwick, in the case of a disputed election, the choice of the mayor was restricted even further, to twenty-four men, apparently the ones already chosen to aid the magistrates in the government of the burgh. Both alderman and bailies then swore fealty to the king and to the burgesses, emphasizing their responsibility to both crown and burgh, promised to uphold the customs of the town, and swore that "thai sal nocht halde lauch on any man or woman for wroth na for haterent na for drede or for lufe of ony man, bot thruich ordinans consaile and dome of gude men of the toune."²³ Again, the participation of the burgesses in the government is emphasized, as is the fact that they were responsible for the administration of justice to all the inhabitants of the burgh.

22. ND, no. 235. My thanks to Professor Barrow for drawing my attention to this reference. In Elgin, in 1380, the chief magistrate was also referred to as the mayor, Familie of Innes, 58.

23. Abdn. Recs., 23; Leges Burgorum, c.70; Statuta Gilde, c. 37, 38.

Although the alderman was the official head of the community, his actual powers and responsibilities appear to have been rather limited. Indeed, two of the fourteenth-century tracts in the Burgh Laws seem almost to ignore his existence. There is no oath for the alderman in the Juramenta Officiariorum nor was the alderman called to stand challenge at the chamberlain ayre. It seems in many cases he was a mere figurehead rather than an official with true executive powers. Gaps in the records which render it impossible to compile a full list of those elected to burgh office over the years make it difficult to reach conclusions about the reasons for the choice of certain individuals for the office of alderman, but the election of men such as John Mercer who seems to have been more important to the kingdom as a whole than to his burgh of Perth, suggests that the position may have been regarded as one of honour and prestige rather than of onerous responsibility. Again, this would vary between burghs. In smaller communities with less-developed administrations it is quite possible that the alderman would have far more duties to perform. In Aberdeen, however, William Chalmer the father who was alderman in 1398 also found the time to carry out his duties as custumar.²⁴

The early laws refer to a few functions of the office such as the receiving of intoll and outtoll pennies/on the transfer of a burgage²⁵ (although by the fourteenth century the bailies seem to have taken on this role in at least some of the burghs), and the

24. Abdn. Recs., 23; ER, iii, 414, 441, 474, 498.

25. Intoll and outtoll were unique to burgh sasines, Cosmo Innes, 'Notes of Some Curiosities of Old Scottish Tenures and Investitures' in PSAS, iii (1857-58), 87.

need for his permission if one burgess wished to poind another. However, most of the laws which refer to the alderman are more concerned with the limitation of his powers. A burgess could poind a man dwelling outwith the burgh without leave of the alderman, and also a tenant who owed rent on his property. If the alderman accused anyone he could not lead witness against them. He was not allowed to make bread or brew ale for sale while he was in office. Many of these restrictions applied to other offices as well but in the case of the alderman the limitations seem to have outweighed the responsibilities. For the actual maintaining of the laws of the burgh he was to choose twelve of the wisest men of the burgh. The Statuta Gilde do not even give him this much responsibility as the council was to be chosen by the community.²⁶

However, the picture given by the burgh laws must not be exaggerated. The prestige of the office was high, those filling it being among the most prominent members of their communities.²⁷ Furthermore, royal mandates were often addressed to both the alderman and the bailies, implying that the office carried some authority even if it was mainly supervisory. Despite the apparently limited nature of his executive powers, the alderman was still no inconsiderable figure in burgh affairs. The records of the fourteenth century show him carrying out a variety of functions and the prestige of his office was an important factor in a number of these.

26. Leges Burgorum, c. 52, 3, 53, 76, 59, 112; Iter Camerarii, c.4; Statuta Gilde, c.37.

27. They included such men as John Wigmer and Adam Forrester in Edinburgh, William de Leith and William Chalmer in Aberdeen, John Mercer in Perth, and William de Innerpeffer in Dundee.

The most common reference to the alderman, although in a large part this is due to the nature of the records, is as a witness to land transactions. He witnessed and/or attached his seal to grants and sales of land both within and outwith the burgh, sometimes with the bailies but at other times without them.²⁸ His presence was not a legal requirement for such transfers, but the number of charters to which he is a witness suggests that he added authority to the transaction. In the cases where the land concerned was outwith the burgh and the parties involved were not burgesses, his presence seems to have been more valuable for the prestige he carried than for his actual connections with the burgh, as the lands were not under the burgh's jurisdiction. The same appears to hold true when a marriage agreement between two lords in 1367 was witnessed by the alderman of Dundee.²⁹ The prestige of the office extended beyond the boundaries of the burgh.

The alderman also acted as witness in affairs closely related to the administration of the burgh. In 1381 John Chalmer, provost of Edinburgh, witnessed the decision of the burgh court about a land grant. In Perth in 1369 the alderman attached his seal to a resignation of burgh lands made at the head court.³⁰ Attendance at the burgh courts seems to have been one of the responsibilities of the alderman, although it is not clear whether he was expected to be present at all the courts held during the year or just at the major ones. Nor is

28. SRO, GD103/2/31; AUL, MS. M.390, Mass 19/3; Invernessiana, 62; SRO, GD79/5/4; Moray Reg., no. 226. Land grants outwith the burgh included SRO, SH1/175; ND, no. 226; AUL, MS. M.390, Mass 15/1; SRO, GD83/6; Fraser, Douglas, iv, no. 24.

29. A.B. Coll., 379-80; SRO, RH6/175; SRO, RH6/142A.

30. St. Giles Reg., no. 15; SRO, GD79/5/1.

the nature of his position with relation to the court clear as he is rarely found in any other capacity than as witness, or once as a procurator,³¹ thus resembling the ordinary burgess suitors of the court. Again, practice seems to have varied between the burghs. In Aberdeen, the burgh courts, including the head courts, were held by the bailies, but in Elgin in 1392 the head court was held by the provost, two bailies and the community. A number of inquisitions concerning landholdings in the burgh were conducted by the mayor and bailies of Berwick,³² although these took place during the time of English occupation and may therefore have been influenced by English practice.

Agreements between the burgh as a whole with a burgess, a lord, or another burgh often involved the alderman, either as a witness or as a party, although it is not clear what part he took in the negotiations as he never appears on his own. His position may have varied between burghs or even between agreements. An indenture between Forfar and Montrose in 1372, giving each other reciprocal trading rights, was witnessed by the two aldermen, but was stated as being made by "the burgesses, gild brethren, and inhabitants" of the two burghs. In other cases, the alderman seems to have been more involved with actual negotiations. In 1330, the provost and two bailies of Elgin made an indenture with Pluscarden Abbey as to the multures due from the mills of Elgin. This was done in the name of the community. In 1375 the Elgin provost and bailies made a grant of burgh lands to the Friars Preachers. The alderman of Cupar led the gild brethren of the burgh in their trading dispute with St. Andrews, although unfortunately for the

31. Abdn. Recs., 34.

32. Ibid, 22, 23, 35; NLS, Adv. MS. 9A.1.10, f.38; Newb. Req., no. 193; CDS, iii, nos 1151, 1148.

burghesses of Cupar his leadership does not seem to have been too effective as they lost the case.³³ The record of the Cupar dispute seems to imply a doubt of the validity of the alderman's authority - "Duncan de Balfour calling himself alderman of Cupar" is the way he is described - but in some other burghs the authority of the alderman was emphasized by the burgh superior in making the grant of feu-ferme status to the alderman as well as to the community.³⁴

It is in connection with religious matters in the burgh that the alderman seems to have had most responsibility, although the predominance of religious material among the surviving evidence may give a misleading impression of the importance of this function. However, it does appear that, in this sphere at least, the authority and power of the alderman was greater than that of the bailies. He was involved in several different aspects of church administration, both in conjunction with other officials and as leader of the community.

In practical terms the aldermen of some burghs were actively involved in the extension of their parish churches during the century. In Aberdeen, William de Leith, alderman in 1355, extended the church of St. Nicholas to the altar of St. Leonard "with the assistance of the community". He contributed £40 of his own money to the work and collected the rest of the expenses from the burgh. In 1356 he extended the choir of the Virgin Mary to the south by sixteen feet and there

33. MA, M/W1/1; NLS, Adv. MS. 20.3.9, ff. 153-4; NLS, Adv. MS. 9A.1.10, f. 45; APS, i, 536.

34. RMS, i, app. 1, no. 153; Dunf. Reg., no. 396.

founded the altar of Saints Lawrence and Ninian, presumably with the money granted for this purpose by William de Meldrum in the 1340s. It was the provost of Edinburgh, Andrew Yutsoun, who, with the community, made an indenture in 1387 with three masons for the construction of five chapels in the parish church of St. Giles.³⁵

The administration of lands and rents granted to the church was largely the responsibility of the alderman, although in some burghs there appear to have been officials appointed specifically for such work. At the close of the century in Aberdeen the offices of the burgh government included "kirk masters" who dealt with the financial affairs of the church. In the 1340s William de Meldrum's grant gave the care of the revenues he had assigned to an altar in the parish church to the alderman, four bailies, and the conservators of the fabric of the church.³⁶ However, it was the alderman alone who put these moneys to use in 1356. Bailies are rarely mentioned in the majority of grants founding an altar and this would seem to indicate that the responsibility for maintaining the grants fell largely on the shoulders of the alderman.

The alderman of Edinburgh took an active role in this part of his responsibilities. In 1368, William Gupild, then alderman, and the community decided to have the grants made to St. Giles recorded in a book in order to safeguard the revenues owed to the altars of the church. This was done under the seals of the alderman and bailies, but only the alderman and community could license any additions to the book.³⁷

35. St Nich. Cart., 16-17; A.B. Ill., iii, 43-4; Edin. Chrs., no. 14. The part of the community in these actions is discussed below, pp. 303-6.

36. Abdn. Recs., 101; A.B. Ill., iii, 43-4.

37. St Giles Req., no. 1.

Grants of lands and rents by individual burgesses to the church were common in the fourteenth century. It appears that the most effective way to turn the land grants to the benefit of the altars and chaplains for whom they were intended was to set the land at feu-ferme to an individual, usually a burghess, who then paid an annual sum to the altar. The disposition of land in this way was usually the responsibility of the alderman and community. The process can be observed in Edinburgh in the 1360s and 1370s. John de Allincrum, burghess of Edinburgh, granted the lands of Craigcrook to the chaplain of the altar of the Virgin Mary in St. Giles. On 5 March 1376, the alderman, bailies and community set the lands at feu-ferme to the burgesses Patrick and Andrew Leiper, who were to pay £6 6s 8d annually for the sustenance of the altar and chaplain. Although the bailies were involved in this particular transaction, it appears from the wording of most such grants to the church that the main responsibility lay with the alderman. When William More, lord of Abercorn, granted the lands of Ravelston to the altar of the Virgin Mary in St. Giles, he licensed the alderman and community to provide a stipend for the chaplain. A grant made by Roger de Auldton to maintain a chapel in the parish church of Roxburgh stated that the land was not to be alienated by the alderman and community.³⁸

Another area of ecclesiastical business seems to have pertained solely to the alderman and community. When a grant was made which actually founded an altar or chantry, it was

38. St Giles Reg., nos 8, 4, 11; Kel. Lib., no. 456.

common for the granter to reserve the patronage of the altar to himself for his lifetime. However, the charter often specified that after the granter's death the patronage was to pass to the alderman and either the community or a council. John de Allincrum stated that the alderman and community were to choose a priest for the altar within two months of his death. A grant made in Perth in 1401 reserved the choice of the chaplain to the granter but with the advice of the alderman and council of the burgh. In Roxburgh, Roger de Aulldton's grant provided that if Kelso Abbey was negligent in instituting a chaplain the alderman and community were to take over the task. A grant by Patrick de Innerpeffer, burgess of Dundee, to the altar of St. Salvator in the parish church of Dundee stipulated that patronage was to pass to his nephew or heirs, but if the line failed it would go to "the alderman of the burgh and twelve honest men of his council annually elected."³⁹

In considering the importance of the alderman's role the personalities of the individuals who held the office must also be taken into account. As with governments of any period, some officials were more conscientious than others. William de Leith took an active interest in promoting the welfare of the burgh church, a focus of community pride. Adam Forrester continued to display an interest in burgh affairs, even when he was not in office.⁴⁰ Although the explicitly-stated powers of the office were few, it was up to the individual to make as much or as little of it as he chose.

39. St Giles Reg., no. 8; SR0, GD79/4/106; Glas. Reg., no. 295; Dundee Chrs., 3.

40. Edin. Chrs., no. 14.

In the closing years of the fourteenth century a royal grant to Perth resulted in the expansion of the role of the chief magistrate of that burgh. In 1394 Robert III granted to the prepositus, burgesses and community the sheriffship of the burgh. The result of this was to extend the jurisdiction of the burgh to include criminal matters. The grant was put into effect by conferring the office of sheriff on the provost, so that a number of grants made in the burgh in the years after 1395 were witnessed by an individual who was styled "provost and sheriff".⁴¹

Second in status to the alderman, but not second in effective power and responsibilities, were the bailies. Far more than the alderman they were the king's officers, responsible to him for rendering the rents and revenues, or the yearly ferme which pertained to the crown. Royal precepts ordered them to make various payments from the burgh revenues, and sometimes dealt with other affairs as well. In 1363, David II ordered the bailies of Peebles to assign a space in the common of the burgh to John of Peebles, master of the hospital there, on which he might build a chapel. As the officers in charge of royal revenues, the bailies had close contacts with the central government and were thus the natural recipients of such precepts. The chamberlain was to enquire whether "thai execut nocht lauchfully the commandment of the king or the chaumerlane to thaim direkit". Another article also stressed the

41. SL, B59/23/4; SRO, GD79/5/5; SRO, GD79/4/106. For powers of the sheriff, see Fife Ct. Bk., xxxviii. To Neilson, this extension of the burgh's legal jurisdiction would seem a natural development. "Properly understood, a king's burgh involved a sheriffdom, or some equivalent of the shire", Neilson, 'Burghal Origins', 140.

responsibility of the bailies to the crown: "And alsua jt is to wit that wha sa chalangis ony bailye of the burgh of ony thing as tuicheand his office, he aw nocht to ansuere bot befor the chalmerlane."⁴²

According to the Statuta Gilde four bailies were to be chosen by the community at the same time as the mayor and a council of twenty-four. However, just as the council was probably smaller in many burghs, as is suggested by the use of the term "dusane" to describe this body in local records well into the fifteenth century,⁴³ it seems quite possible that the number of bailies could also vary. It does appear, however, that in Aberdeen the practice was to have four bailies even before the first recorded election in 1398.⁴⁴ It is possible that in Edinburgh there may have been only three bailies in the fourteenth century as in a number of documents where a full complement of bailies would have been expected there are only three names given.⁴⁵ If this was the case, it shows that the size of a burgh was not the only factor determining the organisation and size of its administration.

The burgh laws stated that the election of bailies was to be held at the first head court after Michaelmas. This rule was followed in Aberdeen from at least 1398, and apparently in Edinburgh as well, where a change in burgh magistrates took

42. Peebles Chrs., no. 93; Iter Camerarii, c. 4, 29. For other precepts, see Ayr Friars, no. 19; Dunf. Req., 363.

43. Statuta Gilde, c. 37; Edin. Recs., i, 1; Peebles Recs., i, 166.

44. Abdn. Recs., 21. AUL, MS. M.390, Mass 8/1, Mass 9/22, Mass 15/1, Mass 19/13 were all witnessed by four bailies.

45. St Giles Req., nos 2, 15, 19. The latter two were witnessed at burgh courts.

place between September and November 1387.⁴⁶ In Aberdeen it also appears that the election was required to be unanimous or at least that all the community had to be present.⁴⁷

According to the Leges Burgorum the bailies were to swear the same oath as the alderman, although by the time of the Juramenta Officiariorum this oath was stated to be that of the bailies only. To be a bailie a man had to be a burgess with habitable land in the burgh,⁴⁸ as he could thus be distrained for abuse or non-fulfilment of his duties.

The administration of justice was one of the primary concerns of the bailies. In Aberdeen, courts of the bailies were held very frequently and dealt with all types of business. The bailies presided over the head courts, the fortnightly curiae legales, and the ordinary courts which sat between them.⁴⁹ According to a fourteenth century 'law', all the bailies were required to be present at the courts. A record was kept of all courts and assizes held by the bailies and a separate roll was made of pleas pertaining to the king which occurred between ayres. Officially, the courts could be held every day except holy days, although this was a rule often broken. The bailies could also hold special courts for merchants, as cases between merchants and burgesses were to be decided by the third tide.⁵⁰

46. Abdn. Recs., 23, 100. In Edinburgh, Alan de Ballon was alderman in September 1387 and Andrew Yutsoun held the post in November, SRO GD1/17/11; Edin. Chrs., no. 14.

47. Abdn. Recs., cxviii, n.7.

48. Leges Burgorum, c.70; Juramenta Officiariorum in Ancient Burgh Laws, 130; Articuli Inquirendi, c.63.

49. Abdn. Recs., 3, 5, 39, 40.

50. Articuli Inquirendi, c.4, 59, 48; Curia Quatuor Burgorum in Ancient Burgh Laws, c.6; Fife Ct. Bk., xxii.

Supervision of other burgh officers was also a responsibility of the bailies, and they in turn were supervised in this by the chamberlain who enquired if they ensured that bread, ale and flesh were examined by the tasters at least every fifteen days, and that there were sufficient men summoned by the wakestaff to watch the burgh by night. In 1398, it was before the bailies that the foresters of Aberdeen were accused of neglect of their duties.⁵¹

The administration of lands was another responsibility accruing to the bailie's office. Land transfers between burgesses, a burgess and a lay lord, or a burgess and the church usually bore the seals or witness of the burgh bailies, although the absence of these in some charters implies that their presence was not a legal requirement. It was also the bailies as officers of the king who gave sasine of the burgh lands, thus putting land grants into effect and giving an individual the necessary qualification for burgess status.⁵² Resignation of land and the offering of an inherited property to the nearest heirs in cases of necessity took place before the bailies.⁵³

Lands pertaining to the community were largely under the bailies' control. They were usually involved in actions whereby the community set land at ferme to an individual, and they also received the rents on such lands. They had the power to distrain lands in order to ensure the payment of rents if they were administered by the community. They were

51. Articuli Inquirendi, c.49, 4; Abdn. Recs., 92.

52. HMC, 4th Rept., App. no. 204; Aberdeen Friars, 21; MA, M/W1/7; J.D. Marwick, 'The Municipal Institutions of Scotland' in SHR, i (1904), 127.

53. Iter Camerarii, c.5; SRO, GD52/393; St. Giles Reg., no. 15.

also responsible for maintaining the boundaries of the burgh. In Banff, in 1401, it was the bailies who complained to the king about the incursions of a neighbouring lord on the community's lands and fishings.⁵⁴

As officers of the king, the bailies were involved in the administration of those burgh lands which escheated to the crown through forfeiture, default of heirs, or bastardy. In 1398 an Aberdeen bailie gave sasine to the Blackfriars of all the lands of the late burgess William de Dunbar whose lands returned to the king's hands because of William's bastardy. About 1385 the bailies of Perth sold the land of a burgess who owed customs to the king. The bailies and community also undertook to warrant the land on the part of the king.⁵⁵

Financial matters connected with the burgh's trade were included in the bailies' interests. In Aberdeen the assize of bread and ale were usually proclaimed at every second curia legalis.⁵⁶ The bailies also collected the market tolls of those who came to the market to buy and sell. As well as the tolls charged on goods, the Leges Burgorum stipulated a charge of $\frac{1}{2}$ d for a stallanger with an uncovered booth, while the fee for an uncovered booth was a farthing. The tolls charged in fourteenth-century Dundee were apparently higher than this as in 1347 a Dundee bailie was charged with wrongfully taking 1d toll for stallage from a man of Arbroath Abbey, thus infringing the abbey's royal exemption from all market tolls.⁵⁷

54. St Giles Reg., no. 14; NLS, Adv. MS. 9A.1.10, f.45; Abdn. Recs., 82-4; A.B. Ill., iii, 43-4; Banff Annals, ii, no. 3.

55. Aberdeen Friars, 21; SRO, RH1/2/614.

56. Abdn. Recs., 25, 34, 39, 41.

57. Assisa de Tolloneis; Leges Burgorum, c.37; Arb. Lib., ii, no. 22.

Sometimes the bailies acted as representatives of the community, although this was not a role restricted to the holders of the bailie's office. It was as representatives of community interests that the bailies of Banff complained about the incursions on their fishings, and in the dispute with Arbroath Abbey the Dundee bailies are recorded as "representing the community of the burgh under letters patent." An agreement in 1330 over the multures of the mill of Elgin was made with Pluscarden Priory by the mayor and two bailies of Elgin "in the name of the community".⁵⁸

From the evidence of a case in Ayr, it appears that the bailies' financial liability for the debts of those whom they represented was limited. On 12 July 1386, Cardinal Walter Wardlaw, the papal legate, asked that the bailies and all burgesses having an interest in the dispute with the Friars Preachers over a £20 pension claimed by the Friars compear before him by 26 July to hear the case decided. Judgment was given in favour of the Friars and the provost and bailies were ordered to pay the pension. However, it was the goods of the burgesses which were to be distrained if the officials did not pay the required sum,⁵⁹ suggesting that the provost and bailies were not expected to make up any shortfall themselves.

As a postscript to the discussion of the bailie's office, it may be noted that there is a reference in the Leges Burgorum to the bailies of the fair, ballivos nundinarum. Whether or not these were the same men who filled the office of bailie during

58. Banff Annals, ii, no. 3; Arb. Lib., ii, no. 22; NLS, Adv. MS. 20.3.9, ff. 153-4.

59. Ayr Friars, nos 17, 19.

the rest of the year is not clear but it seems possible that this was a distinct post. The ordinary laws and courts of the burgh were suspended during the time of the fair in order to expedite justice and adapt it to the needs of a largely transient population. Possibly the bailies supervised the Pie-poudre courts which dispensed justice at the fair.⁶⁰

Unfortunately, no fourteenth-century evidence survives to show these fair-time laws in operation or to shed any light on the position of the bailies of the fair.

Of the other burgh offices, the most fully-described one in the burgh laws is the sergeand. In terms of responsibility he ranked next to the bailies, although Dickinson suggests that in Aberdeen at least his status was considerably below that of the bailies. In 1398 four were elected at the same time as the alderman and bailies. On taking office they were to swear loyalty to the king, the burgh magistrates and the men of the town, according to the Juramenta Officiariorum, and to promise to distrain and present distrains as required by law, and to perform all other duties pertaining to the office.⁶¹

As implied by the oath, the sergeand's duties related mainly to the execution of justice by the burgh court. The Aberdeen court rolls of 1317 and 1398 show him at work. When a man wished to bring a charge which concerned the possession of property against another man, he presented a brieve of right to the bailies. The bailies passed this on to the sergeand who then summoned the defender to the next court. The summons

60. Leges Burgorum, c.87; Murray, Burgh Organization, i, 332.

61. Abdn. Recs., cxix, n.1, 21; Juramenta Officiariorum, 128.

was apparently given at the man's house, with witnesses present who could later swear in court that the summons had been given lawfully. The defender took a pledge to compear, and if he failed to come to court the sergeand took a distraint of 8s. The same procedure could be carried out four times but if the defender failed to compear a fourth time, the case was heard in his absence.⁶²

The sergeand was also given the responsibility of securing those persons who could find no pledge for their compearance. According to the burgh laws if a burgess could find no pledge his co-burgesses were to keep him in his house for fifteen days. If he was still unable to find a pledge and the burgh had no prison, he was taken to the house of the sergeand, where the sergeand was to find for him "fastening good and stalwart".⁶³

This chapter shows the sergeand's connection with the burgh prison. The prison in the medieval Scottish burghs tended to be used as a place of confinement for those awaiting trial rather than as a form of punishment for the guilty. Often a burgess was ordered to ward himself and did so voluntarily. The system did not always work so smoothly, however. In 1398 Maurice Swerdsleper was ordered to enter himself into prison, but six days later he was amerced for attacking one of the sergeands.⁶⁴

The sergeand was also involved in the settling of debts. It was the duty of both sergeands and bailies to go to the house of a debtor to carry off sufficient poind for his debts

62. Abdn. Recs., 7, 10, 12, 23. The process is also described in Quoniam Attachiamenta in APS, i, 643-59, c.40. Leges Burgorum, c.44 appears to refer to this process.

63. Leges Burgorum, c.57.

64. Dickinson, 'Burgh Life', 221-2; Murray, Burgh Organization, ii, ii, 133-4; Abdn. Recs., 22, 23.

and to give it to the creditor. The creditor and the sergeands then offered the goods for sale at three market days and sold them to the highest bidder on the fourth. There is no direct evidence of such sales in the fourteenth century but a suggestion that the sergeand did have some financial responsibilities is implied by the presence of a man standing in the place of the sergeand as a witness to the payment of tithes by the bailies of Elgin to the bishop of Moray in 1369.⁶⁵

The sergeands were also responsible for supervising the examining of bread and ale, helping to choose which pot of ale should be sampled by the taster of ale.⁶⁶ Along with appraisers of flesh and tasters of wine, tasters of ale were elected in Aberdeen in 1398. There was an oath for the ale-tasters and the flesh-apprisers and both were challenged at the chamberlain ayre. The appraisers of flesh were expected to be always ready to apprise flesh and to be present on each market day to watch over the quality and price of the meat sold. Similarly the tasters of ale were to be ready to do their duty whenever required. An attempt to curb possible abuses of this office might be the reason for the stipulation that the tasters were to drink the ale outside and not within the house of the brewer.⁶⁷

Liners are mentioned in the Aberdeen records, although the space left for those appointed in 1398 has been left blank. With burgess-ship dependent on the possession of a burgage rood, property boundaries were very important to the inhabitants of the burgh. The Leges Burgorum state that at least four

65. Fragmenta Collecta, c.31; Moray Req., no. 149.

66. Iter Camerarii, c.6.

67. Abdn. Recs., 21; Juramenta Officiariorum, 129; Iter Camerarii, c.8; Articuli Inquirendi, c.21.

liners were to be chosen, and they were to line the land according to the traditional boundaries. Both liners and bailies could be held responsible if a complaint was made. This last provision accords with another chapter which refers to the land being lined by the bailies "and lall men of the town". If the boundary marks were laid and used for a year and a day, the land did not need to be lined again. However, if a mark was moved, the bailie was responsible for seeing that justice was done.⁶⁸ The existence of the liners might also imply that responsibility for town planning as the burgh expanded lay with the burgesses, although there is no evidence to confirm this for the period before 1400. Possibly the king or burgh superior gave permission for the burgh to expand its boundaries, and the actual lay-out of the new area was determined by the burgess administrators.⁶⁹

There was no oath specified for the liners in the fourteenth century nor were they among those called before the chamberlain ayre. Furthermore, the lining of land was sometimes the subject of a royal brievé to the provost and bailies, commanding them to have "the best and most trustworthy burgesses of the said burgh" line a particular land, those boundaries henceforth to be kept.⁷⁰ This would seem to imply that the office was not a yearly one, but was on an ad hoc basis, liners being appointed only when they were required. This might explain the blank

68. Abdn. Recs., 21; Leges Burgorum, c.105, 119.

69. See Brooks, 'Planning and growth', 287-9, for evidence of town planning, albeit probably under the bishop's control, at different periods in St. Andrews. In 1227, the marches of a property in Berwick granted to Kelso Abbey were stated to have been made in the presence of the burgesses of the town. Kel Lib., i, no. 64.

70. Reg. Brieves, no. lxviii. Quoniam Attachiamenta, c.60 is very similar. Professor Barrow has pointed out that this corresponds to the well-established brievé of perambulation in the landward areas. Reg. Brieves, no. xxv.

space under Lineatores in the Aberdeen records - possibly space was left to allow for later entries. In 1399 and 1400 there were liners appointed, eleven in the former year and nine in the latter.⁷¹

From at least 1394 Aberdeen also had depositores or treasurers, responsible for the "common good", the money pertaining to the community. The revenues came from burghess and gild admissions, petty tolls and customs and court amercements which belonged to the burgh after the feu-ferme charter of 1319. The only reference to treasurers in the early laws is to the ferthingmen who appear to have been the treasurers of the gild,⁷² and it therefore seems possible that the office of depositor developed later in order to provide assistance to the bailies in administering the financial affairs of the burgh.

Two depositores were appointed in 1399, but the entry for 1400 is rather confusing. Under the heading Depositores there is a note that three men have been chosen to collect the moneys owed to the burgh church. As one of these men had just been appointed kirk master, it seems that this entry may be referring to the duties of the magistri ecclesie rather than to an added duty for the depositores. Four magistri ecclesie were appointed in 1399. This particular office is not mentioned in the burgh laws, but similar officials are found in Aberdeen earlier in the century. William de Meldrum's grant of the 1340s gave responsibility for the altar revenues to the alderman, four

71. Abdn. Recs., 100, 196.

72. Abdn. Counc., 1, 392, 393; Abdn. Recs., cxviii, n.7; Statuta Gilde, c.17.

bailies and the keepers of the fabric of the church. In 1358 the burghess John Fichet was "in charge of church funds".⁷³

As written records became more important the office of clerk of the community developed. This office was to be found in many of the burghs by the fourteenth century. In Inverness the clerk of the community was a witness to three grants, while the clerk of the burgh of Lanark witnessed a grant of lands outwith the burgh sometime before 1367. In 1368, the common clerk of Edinburgh, John Rollo, was ordered by the alderman and bailies to enter all the grants of land to St. Giles in a register, in order to have a permanent record of them. Only the clerk of the community was to make any new entries.⁷⁴ The post was sometimes, if not always, filled by a professional. A land grant in Perth was witnessed by the notary public Nicholas de Mar who was also the clerk of the community. It seems likely that in burghs without an official town clerk, local notaries might take on his duties on occasion.⁷⁵ It was probably the clerk of the community of Aberdeen who was responsible for compiling the burgh court records.

One other official apparently is recorded for the first time in the fourteenth century. On 16 May 1348 a grant of lands both within and outwith the burgh of Ayr made by John Kilmarnock to the Blackfriars was witnessed by the alderman, two bailies and William Halfemarck "custodian of the seal of the community". The existence of such an office (which does not seem to have been noticed by

73. Abdn. Recs., 101, 196-7; A.B. Ill., iii, 43-4; St Nich. Cart., 15.

74. Invernessiana, 78; Fraser, Colquhoun, no. 18; Fraser, Grant, iv, no. 16; Lanark Recs., no. 60; St Giles Reg., no. 1.

75. SRO, GD79/5/2; Marwick, 'Institutions', 129; John Durkan, 'The Early Scottish Notary' in The Renaissance and Reformation in Scotland: essays in honour of Gordon Donaldson, edd. Ian B. Cowan and Duncan Shaw (Edinburgh, 1983), 33.

historians) implies the development of a more complex form of government as responsibility for the different parts of the administration was being delegated.⁷⁶

Government usually requires the advice of several men if it is to be effective. The burgh laws and a number of the documents of the 1300s refer to groups of burghesses who probably made up an early form of the town council. It is possible that in the early years of the burghs groups of burghesses were called on to witness certain transactions or advise on specific cases, the numbers and membership of the group varying with the occasion. The burgh laws stated that for a man to recover land he had given to his heir he had to prove his need by oath of twelve neighbours, four from each side of his home and four from opposite, while another law refers to a land bought before twelve neighbours. The giving of sasine was done in the presence of twelve witnesses.⁷⁷

The need for a more permanent council would develop as the burgh grew larger and the administration more complex. The number of members would also vary between the burghs. Thus the Statuta Gilde state that Berwick was to have twenty-four while the Leges Burgorum were content with twelve. The council was "to treat concerning the common business" and the burgh officials were to administer justice by the ordinance, counsel and judgment of the good men of the town, a statement which suggests the existence of

76. Ayr Friars, no. 12. Dickinson suggests that custody of the seal may have been given to one of the members of the council, Abdn. Recs., lxxxix. The existence of Ayr's custodian of the seal is not mentioned in Annie I. Dunlop ed. The Royal Burgh of Ayr (CAAS, 1953).

77. Leges Burgorum, c.107, 10; Pais. Reg., 385-6; D. Baird Smith, 'The Retrait Lignager in Scotland' in SHR, xxi (1924), 201.

an advisory council, possible with legislative powers.⁷⁸

The variations in size could take place even within one burgh.

In 1399 twenty men were on the common council of Aberdeen, while in 1400 there were twenty-one.⁷⁹

Mentions of councils are few in the fourteenth century but enough references survive to show that some form of council existed in a number of burghs. In almost every case the council appears in conjunction with the alderman, usually in connection with the administration of grants to the church.⁸⁰ It seems possible that here, in the alderman and council, the legislative part of the burgh government was to be found. If this is so, the prima prepositi of late fourteenth-century Aberdeen, which Dickinson equates with the gild court, may in fact have been the meetings of provost and town council. This is further supported by the statement that the prima of 27 August 1399 was held by the alderman and common council.⁸¹ That the council did have a role in the burgh government of Perth is implied by an undated land grant, possibly of the time of Robert II, which states that the common seal of the burgh was obtained from the provost and council.⁸²

In those burghs where there is no evidence of a council until a later period it is possible that the lack of such a body may have

78. Statuta Gilde, c.37; Leges Burgorum, c.112, 70. That councils varied in size in the fifteenth century is shown by a 1469 statute that the old council was to choose the new "in sic noumyr as accordis to the toun", APS, ii, 95. Marwick sees the early council as being merely advisory, then gradually acquiring more power, Marwick, 'Institutions', 198.

79. Abdn. Recs., 100, 196.

80. Dundee Chrs., 13; SRO, GD79/4/106; SRO, GD79/5/6.

81. Abdn. Recs., 99. See below, pp. 128-9.

82. Melr. Lib., ii, no. 488.

been made up in part by the participation of the community as a whole in an advisory or decision-making capacity. Thus the "burgesses and community" of Inverness all met in the churchyard to resign land which was then granted by the king to the chapel of St. Mary.⁸³

In theory at least the burgh government represented the community. The physical symbol of this connection was the burgh seal, usually called "the common seal" or "the seal of the community". It first appeared in the early years of the thirteenth century and by the fourteenth century its use was well-established. By 1400 the use of burgh seals is recorded in thirty-two burghs,⁸⁴ and it seems likely that wherever a burgh had local government officials a burgh seal would be in use.

The seal was used in a number of ways. Almost any transaction involving the "community" carried the common seal,⁸⁵ although often the seals of the burgh officials were also attached. Individual burgesses, when granting land both within and outwith the burgh, often requested the affixing of the burgh seal to their charters, especially if they had no seal of their own or if their seal was not well-known.⁸⁶ Indeed the attestation of such grants was one of the most common uses of

83. Moray Req., no. 235.

84. Aberdeen, Arbroath, Auchterarder, Ayr, Banff, Berwick, Crail, Cupar, Dumbarton, Haddington, Inverbervie, Inverkeithing, Inverness, Irvine, Lanark, Linlithgow, Montrose, Nairn, Peebles, Perth, Renfrew, Roxburgh, Rutherglen, St. Andrews, Stirling, Dumfries, Dundee, Dunfermline, Edinburgh, Elgin, Forfar, Glasgow.

85. St Giles Req., no. 1; Moray Req., no. 235; Irvine Muniments, 123-4; SRO, RH1/2/614; Glas. Req., no. 282.

86. SRO, GD150/65.

the seal. In almost all the burghs where a seal is recorded in the fourteenth century, at least one example occurs of this use. Burgh government had not yet distanced itself from the concerns of the individuals over whom it ruled.

Occasionally the burgh seal is found on grants of land outwith the burgh made by people apparently unconnected with the community. Sometime before 1363 the seal of the burgh of Ayr was attached to a sale by Marjory de Montgomery to John Kennedy of lands in the knight's feu of Cassilis in the sheriffdom of Ayr. The same seal is found on a 1379 resignation of lands to John de Caldecotys by his daughter Elena.⁸⁷ It seems likely that the seal had the same function as the presence of the alderman, in that it gave added authority to the charter. It is interesting to note that there is no record of any personal alderman's or bailie's seal from Ayr and this may explain what seems like a rather indiscriminate use of the burgh seal. Certainly the office of custodian of the seal which existed in Ayr in 1348 does not seem to have confined the use of the seal to actions involving the burgh.

Indentures between the burgh and neighbouring landowners were made under the common seal. A 1375 indenture between Montrose and Sir David Fleming anent the boundary between the burgh territory and the lands of Hedderwick bore the seal of the community on Sir David's half. Contracts between burghs were also authorized by the use of each other's seals as in the 1372 grant of reciprocal trading rights between Forfar and Montrose. A contract made with the burgh superior was sealed with the common

87. Cross. Chrs., 20-2; SR0, RH6/175. The alderman of Ayr was witness to the second charter.

seal, as in the 1394 harbour agreement made between the abbot and the burghesses of Arbroath. Advice from one burgh to another also carried the burgh seal.⁸⁸

Within the burgh the seal was used on agreements concerning the affairs of the town. A 1344 indenture between the burgh of Perth and William de Spens for maintenance of the bridge had the burgh seal attached. The common seal of Edinburgh was to be found on the 1387 indenture between the burgh and the three masons commissioned to build five chapels in St. Giles.⁸⁹

The seal also appears in connection with the appointment of various officials. The statutes appointing two treasurers in Aberdeen in 1394 were sealed with the common seal. The commissioners of Ayr chosen to represent the burgh in its dispute with the Friars were "appointed under the common seal", and the bailies of Dundee were constituted burgh representatives in a 1347 dispute with Arbroath by letters patent of the community of the burgh under the common seal.⁹⁰

As administration became more complex, the need for written records would increase. Although the population of fourteenth-century Scotland was probably largely illiterate, the burghs with their religious communities and men of business would have had a high proportion of literate inhabitants. Documents seem to have played a fairly important role in the government of the burgh,⁹¹ at first

88. SRO, GD4/226; MA, M/W1/1; Arb. Lib., ii, no. 42; Fragmenta Collecta, c.7.

89. RMS, i, no. 196; Edin. Chrs., no. 14.

90. Abdn. Counc., i, 392 ; Ayr Friars, no. 26; Arb. Lib., ii, no. 22.

91. G.H. Martin stresses the development and importance of written records as a central feature of town life in Northern Europe, G.H. Martin, 'New Beginnings in North-Western Europe' in European Towns, 412, 413.

supplementing the oral and symbolic proceedings and later to some extent replacing them. The method prescribed for an inhabitant to demonstrate possession of property to the court was for him to bring earth and stone from the land, but during the fourteenth century men sometimes brought charters to prove their right.⁹² Symbolism was still an integral part of many transactions but records became increasingly important.

The existence of the burgh laws themselves indicates that the value of written records was recognized at an early date. It is probable that copies of the laws were to be found in many of the burghs and were consulted regularly. Certainly the proceedings of burgh courts in the fourteenth century indicate familiarity with the "laws of the burghs".⁹³

The burgh laws required a number of lists to be kept by the burgh officials, implying a fairly wide-spread use of written records. All pleas pertaining to the king were to be enrolled by the bailies for the coming of the chamberlain ayre. The bailies were to record all courts and assizes. Dickinson, in his description of the sheriff court, suggests that notes were taken during the court and a more detailed account written up later. The same was probably true of the burgh court.⁹⁴ At the chamberlain ayre the magistrates presented the names of all officials, suitors, gild brethren, and owners of merchant booths "in sufficient rolment distinctly writtyn". A list of forestallers

92. St Giles Reg., no. 15.

93. SRO, RH1/2/614. See below, p. 121.

94. Articuli Inquirendi, c.48, 59. For a description of the records kept of the sheriff's court, see Fife Ct. Bk., 1xi. The burgh records of Aberdeen for 1317 and 1398-1400 strongly resemble the record of courts and assizes.

was also drawn up by the bailies and given to the sheriff.⁹⁵

Apart from the Aberdeen material there are few references to such lists but it seems likely that written records were used to some extent in most burghs. An act of Robert I ordered all justiciars, sheriffs, alderman and bailies to have statutes made at parliaments openly read in courts and public places and copies given to those in charge of the administration of the law.⁹⁶

Edinburgh acknowledged the importance of written record in its decision to enter the grants to St. Giles in a register to safeguard the church's property as "from the ravages of war, the mortality of man, and the ignorance of youth, many bequests to St. Giles and the altars endowed therein by the burgesses, have been abstracted or misapplied, to the diminution of divine worship."⁹⁷ The belief that the keeping of the register would prevent such losses implies a strong belief in the efficacy of written record by the men of Edinburgh.

Individual burgesses were also aware of the authority of written record. A claimant in a court case about a disputed land grant in Edinburgh asked that the verdict be recorded in the register of the burgh, thus seeking to guarantee the preservation of his rights. A description of the case was entered in the St. Giles Register. This example raises a few questions. The case was not one which involved church possessions therefore its inclusion in the Register is rather confusing. Does it imply that the burgh had no other register? Or was such a

95. Iter Camerarii, c.1, 2. Lists of forestallers, stallangers and holders of booths are given in Abdn. Recs., 180-4, 222-3, 227-30, 87-91.

96. APS, i, 466.

97. St. Giles Reg., no. 1.

request an unusual one, with which officials complied by entering the verdict in whatever register was at hand? There are no other such cases recorded in the fourteenth-century part of the Register. Record-keeping in the fifteenth century was a haphazard procedure in many burghs with entries from gild and burgh courts intermingled in no real order,⁹⁸ and there is no reason to suppose that the situation would have been much different in the earlier period.

The Ayr burgh government of the early fifteenth century recognized the importance of written evidence. In 1416 a number of fourteenth-century charters concerning the burgh were recorded in notarial instruments at the request of the provost. Notarial instruments seem to have carried a high degree of authority as a number of land transfers were registered in this manner, and in 1369 two bailies of Elgin paid one merk to have an instrument drawn up acknowledging their payment to the bishop of Moray.⁹⁹

In the end it is the written record which proves central to a thorough understanding of the municipal organization of the burghs. From 1398 the first surviving continuous records appear in Aberdeen. From this time on, information about the workings of local administrations becomes increasingly fuller, and during the fifteenth century a more detailed picture emerges of the functioning of municipal government, at least in some burghs. Of this picture, only glimpses can be caught in the fourteenth century.

The privileges of the burgesses were granted to them by the

98. St Giles Reg., no. 15; Abdn. Recs., cxvi.

99. Ayr Chrs., nos 4, 6, 12, 5; Moray Reg., no. 149.

king but it was the burgesses themselves who upheld them.

Through the burgh court, they safeguarded their rights and privileges and punished transgressors, both burgess and non-burgess. But the burgh court did more than this. It dealt with all aspects of burgh life, dispensing justice in disputes, electing officials to govern and providing a place for laws and statutes to be approved and declared. As it was the duty of all burgesses to compear at the three headcourts each year, the burgh court represented the voice of the community.¹⁰⁰

The origins of the burgh court are unclear¹⁰¹ but it seems likely that some sort of similar organization would have existed from an early date in order to deal with disputes within the burgh and to assist the crown officials in the local administration. The presence of a seal of Berwick, appended to a plea made in plena curia placitorum in 1212 suggests the existence of a burgh court in that burgh by this time. A reference to the tota curia burgensium is found in St. Andrews in the early thirteenth century, and a curia burgensium in Perth in 1245.¹⁰² Whether these "courts of the burgesses" represented a fully-functioning burgh court rather than an official one-time summoning of the burgesses to act as

100. W. Croft Dickinson, 'The Administration of Justice in Medieval Scotland' in AUL, xxxiv (1952), 338, 342.

101. Duncan points out that Dickinson is vague about the origins of the burgh court, Duncan, Scotland, 482, n.30. Mackenzie suggests that it may have developed from the inquest, whose main function was to determine heirship, but which could also set the watch, issue ordinances for the protection of the town and control market prices, Mackenzie, Burghs, 109-10. Inquests to determine heirs were still held in fourteenth-century Perth and Berwick, BL, MS Add. 33245, f 183^v; CDS, iii, nos 1103, 1104.

102. Melr. Lib., i, no. 27; St A. Lib., 284-5; Scone Liber, no. 95.

witnesses to a particular grant cannot be easily determined,¹⁰³ but it is apparent that by the end of the fourteenth century the burgh court was a recognized feature of the burgh, the "issues of the court" being regularly mentioned in the feu-ferme charters of the period. The functions undertaken by such a body would probably vary between burghs, with larger towns perhaps dividing up the administration between variously-constituted bodies, while smaller burghs may have dealt with all town business within the one organization.

The burgh court provided a valued part of the burgh privileges as it allowed a burgess to be tried by his peers in a court where the special laws governing the burgesses applied. The court had jurisdiction over all cases arising in the burgh except the four pleas of the crown. A burgess who was charged with wrongdoing outwith the burgh could be freed from the jurisdiction of a sheriff or baronial court by being "repledged" to the burgh court. In 1330 the burgesses of Ayr were allowed by the crown to extend this privilege to their servants as well.¹⁰⁴

Other than the records of Aberdeen, there are only a few stray records of burgh courts being held in the fourteenth century, but in view of their being constituted by a gathering of the burgesses, it seems possible that any charter granted in the witness of the community or sealed by the alderman and/or bailies

103. Publicity to validate private transactions was an important element in Western Europe from the early medieval period. In England, after 1066, many private charters refer to the witness of courts, H.M. Cam, 'From Witness of the Shire to Full Parliament' in Transactions of the Royal Historical Society, 4th ser., xxvi (1944), 28-9.

104. Dickinson, 'Administration of Justice', 342; RRS, vi, no. 2. The Flemish towns had similar powers, David Nicholas, Town and Countryside: Social, Economic, and Political Tensions in Fourteenth-Century Flanders (Brugge, 1971), 70-2.

was the result of the proceedings of a burgh court. The same might hold true for charters bearing the burgh seal, or at least for such grants as were made within the burgh.

The head courts of the burgh were held three times a year, with the most important one being held just after Michaelmas, as it was then, according to the burgh laws, that the burgh magistrates were chosen. The other head courts were normally held after Yule and Epiphany. These timings seem to have been generally observed in Aberdeen, and were probably observed in other burghs as well, although local conditions may have affected the practice.¹⁰⁵ The burgesses were bound to attend these courts, thus performing the urban equivalent of the three suits of courts demanded of feudal tenants outwith the burghs. Those who did not attend were amerced unless they had a lawful reason for their absence.¹⁰⁶

At these courts acts and statutes affecting the whole community were read and approved by all the burgesses. As Dickinson points out, however, it is difficult to say to what extent the burgesses had the power to amend or reject the acts. It seems most likely that they were framed by the small body of men who, at least in late fourteenth-century Aberdeen, made up the town council.¹⁰⁷

The head courts were also important for land transactions within the burgh. Recovery of a burgage for which rent had not been paid but which was undistrainable was made by presentation of earth and stone before four head courts. The resignation of such

105. Leges Burgorum, c.70; Abdn. Recs., 13, 21, 35, 39. There were exceptions. No Yule headcourt was recorded in Aberdeen in 1399, and a Perth headcourt in 1369 was held on 9 February, SRD, GD79/5/1.

106. Leges Burgorum, c.40; Abdn. Recs., 13. In 1401 the amercement in Aberdeen was 4d, Ibid, 210.

107. Abdn. Recs., lxxxii-lxxxiii.

lands might also take place in the head court.¹⁰⁸ It was also at the head courts that an impoverished burgess, wishing to sell his heritage land, had to offer the lands to his relatives on three separate occasions before alienating them to anyone else. In the fourteenth century this process can be seen in Aberdeen, Perth and Dundee, but that it was a widespread practice is suggested by the statement in all the grants that this was done secundum leges burgorum.¹⁰⁹

The gathering of all the burgesses at the head court also provided the opportunity to secure agreement for actions to be taken by the community. The 1368 decision to keep a register of charters to St. Giles was taken in what appears to be an Edinburgh head court, while a grant of land by the community of Inverness to a co-burgess in 1405 also has a date consistent with a Michaelmas head court.¹¹⁰

The head court could carry on the business of an ordinary court as well. In the Yule head court at Aberdeen in 1399 two men were amerced for disturbing the town and two other cases were continued until the following week. At the head court of 26 April 1400 a man was amerced for not prosecuting a case for which he had found a pledge, while another case was continued to the next court day because of the "weakness of the court",¹¹¹ a phrase which suggests that the duty of the burgesses to attend the head courts was not always strictly observed.

108. Abdn. Recs., 212-15; Adv. MS. 9A.1.10, f.38; AUL, MS. M.390, Mass 10/22.

109. SRO, GD52/393; SRO, GD79/5/1; DA, TC/CC 10, no. 5.

110. St Giles Req., no. 1; Fraser, Colquhoun, ii, no. 7.

111. Abdn. Recs., 35, 139.

To supplement the work of the head courts, the Leges Burgorum stated that pleas were to run fortnightly. The Aberdeen 1317 court roll follows this rule with the courts continued to the next fortnightly sitting. By 1398, these sessions were known as curiae legales to distinguish them from the more frequent curiae tentae per ballivos. They were held on Mondays and at intervals of a fortnight or a multiple thereof.¹¹²

The curia legalis was apparently regarded as more formal than the curia tenta per ballivos. The distinction may have lain in the type of business which the courts were allowed to transact. As Dickinson points out, all cases begun by the king's breve or letters were heard at either head courts or curiae legales.¹¹³ It was also at the curiae legales that the assize of bread and ale was announced, usually at every second session.¹¹⁴ As well as these more specialized tasks, however, these courts also carried out the ordinary business of the court. The curiae tentae per ballivos were held frequently, on any day of the week, and sometimes for several consecutive days. Such extra courts were probably necessary because of "the growth of the burgh, the complexity of its affairs, and therewith the increase in the work of the court."¹¹⁵

The procedure of the burgh court in Aberdeen has been fully described by Dickinson¹¹⁶ so that only a summary need be given here. As with the other royal or originally royal courts of Scotland, the court was fenced in the name of the king. The king's authority

112. Leges Burgorum, c.47; Abdn. Recs., 3-17, 23, 25, 29, 35, cxxi.

113. Abdn. Recs., cxxiii, 133, 136, 214, 237.

114. Ibid, 27, 34, 39, 41, 46, 53-4.

115. Ibid, cxxi.

116. Ibid, cxxix-cxl. The following is based on Dickinson.

is shown in 1317 by the attaching of a brieve of right to the court roll and later by references to other royal letters.¹¹⁷

For cases not involving royal brieves it is unclear how the pursuer raised the action but once a case was begun he had to find a pledge to pursue it. This finding of pledges is perhaps the most noticeable feature of the burgh court procedure, with pledges being found for each action taken in pursuing or defending. Apparently, non-compearance at court was a serious problem, and the use of pledges was perhaps adopted to combat this. On the other hand, medieval mercantile activity involved frequent use of pledges for future payment or delivery of goods, so that what perhaps seems excessive to modern eyes may have been regarded as commonplace to the medieval burgh inhabitants.

Court procedure followed the "process of four courts" where summons was made at four courts to the defender, judgment being made at the fourth court if the defender did not compear. In the earlier period this meant that the process could take eight weeks, but with the increased holding of courts it might only take four days, although summons of fifteen days to a curia legalis could be asked. In Aberdeen, it appears that only burgesses could claim this right. The defender was summoned by the sergeand, and gave a pledge to compear. If he failed to attend a distraint of 8s was taken the first three times and the fourth time the case was held in his absence. The pursuer could also be amerced for non-compearance.

117. Abdn. Recs., 220, 7-8, 133, 136. For fencing of other courts, see Philip J. Hamilton-Grierson, 'Fencing the Court' in SHR, xxi (1924), 54-5.

When both pursuer and defender compeared the charge was made and denied, and pledges given. A day was then assigned to the pursuer to prove his charge or to the defender to acquit himself. Usually proof was made per taynt probacionem, the pursuer bringing witnesses to court and leading them in support of his charge. Whether they gave evidence or merely swore to the truth of the charge is not clear. The defender, if he denied the charge or found a pledge that the proof was not sufficient, might then be assigned a day to bring his own suit to support his defence. If he failed to do this, he was amerced by the court and the pursuer continued his charge.

Final decisions seem to have been hard to reach and cases were often continued from one court to the next almost interminably. Often the court would support the submission of a case to "compositors" who would determine the question. The court would then give its authority to enforce the judgment. Certainly this process seemed much more expeditious than that of the court, a feature which would be welcomed by merchants and strangers. Assizes might also be used to determine a case.¹¹⁸

The judgment of the court seems to have been made by the burgesses who as suitors formed the body of the court. The formal verdict was pronounced by the doomster. The bailies, although they could bring charges, were merely the presiding officers.¹¹⁹ The burgesses were thus closely involved in the administration of the laws of the burgh.

Cases of assault were usually dealt with by amercements, although abusing the burgh magistrates could lead to the use of

118. Assizes were commonly used in the Lincoln borough court in the fourteenth century, Lincoln Cathedral Library, MS.169, ff 151^v, 169^r, 179^r, 237^v.

119. Murray sees the bailies as judges, Murray, Burgh Organization, i, 238. In Lincoln, the mayor presided over the court with the bailies, Linc. Cath. Lib., MS.169, ff 83^r, 102^v.

the cuckstool as punishment. An ordinance of 1405 laid down that the perpetrator of such an offence was to kiss the cuckstool, but if he repeated the offence he was to be "placed on the cuckstool and befouled with eggs, dung, mud and suchlike".¹²⁰

Pledges were often taken in an attempt to prevent assault, both with reference to particular individuals and as general pledges for future good conduct. The penalties for breaking these latter pledges could be high, even extending to life and limb, reflecting the importance placed on preserving the peace of the burgh.

The main work of the court was civil in nature and dealt with possessory actions, either of moveables or of land. Apart from the Aberdeen records, almost all court cases to which there are references deal with land questions.¹²¹ This predominance of land disputes is partly due to the nature of the surviving evidence, most of which is in the form of land charters or registers giving details of landed possessions, but it also reflects the importance of landownership to burghal society, both as a qualification for burghess-ship and increasingly as a source of income for the wealthier burgh landowners.

For those not satisfied with the outcome of their case, the judgment of the court could be appealed by bringing the action before the next chamberlain ayre held in the burgh. In one instance a case was brought before the chamberlain because judgment had been deferred during three sittings of the burgh court. Difficult or important cases might be continued by the

120. Abdn. Recs., cxxvii. The cuckstool was in existence in Aberdeen long before 1398, RMS, i, app. 2, nos. 374, 396.

121. Newb. Reg., no. 59; St Giles Reg., no. 15; NLS, Adv. MS. 9A.1.10, f. 38; SRO, GD79/5/1. Land disputes took a similarly predominant role in Lincoln.

court to the ayre, and actions against burgesses serving as bailies might also be heard then.¹²² For non-royal burghs a special chamberlain seems sometimes to have been appointed by the burgh lord, as in the case of Irvine before 1371.¹²³ Appeals from both the burgh court and the chamberlain ayre could go to the Court of the Four Burghs.¹²⁴

The scarcity of records makes it impossible to ascertain whether or not the role of the burgh court increased with the grant of feu-ferme charters to many burghs in the fourteenth century. It seems unlikely that the new privilege would make much difference to the everyday functioning of the court. The burgh court of Aberdeen was actively dealing with disputes in 1317, two years before the feu-ferme charter. The difference would come rather in the form of increased administrative responsibilities for the burgh magistrates. Thus in 1398 the bailies of Aberdeen are found in charge of leasing the burgh property to various individuals, while the depositores are put in charge of the burgh revenues.¹²⁵ Probably the main effect of the feu-ferme charters was to allow the building up of a "common good" fund, and it was in the administration of this that the burgh court may have taken on an increased role. It may also have made the burgh magistrates more responsible to the burgesses as it was now in burgess interest to ensure an efficient financial administration rather than the interest of the crown.

122. Abdn. Recs., cxlii, 37, 34, 113; Dickinson, 'Chamberlain's Ayre', 27, n.2. It has been suggested that the chamberlain's position as hearer of appeals might imply that he was the antecedent to the burgh court, David Robertson and Marguerite Wood, 'Burgh Court Records' in An Introductory Survey to the Sources and Literature of Scots Law (Stair Society, 1936), 102.

123. Fraser, Eglinton, ii, no. 8 (3).

124. See below, pp. 314-6.

125. Abdn. Recs., 82-4, 101.

The jurisdiction of the court could be increased in other ways. The feuing of lands outwith the burgh could sometimes have this result. In an agreement between Irvine and Sir Brice de Eglinton, probably of 1305,¹²⁶ the burgesses and community put at feu-ferme certain lands to Eglinton, stipulating that if Brice, his heirs, or men did wrong, their fine should be taken in the court of the burgesses and community. The burgesses were thus attempting to ensure that any non-burgesses holding burgh land came under the jurisdiction of their court.

On occasion, attempts by a burgh to extend its jurisdiction would be halted by the burgh lord. The burgesses of Westerkelso had been making new burgesses and stallangers and granting licences for brewing without the consent of the abbot of Kelso in the early fourteenth century. In 1323 an agreement was made between the two parties that the abbot was to make the new burgesses and stallangers and grant brewing licences, provided that those elected by him were presented in the courts of the burgesses and deemed satisfactory.¹²⁷ Thus even in a smaller ecclesiastical burgh, the burgesses were able to use their court to safeguard the interests of the community.

There was another way for the burgh court to extend its jurisdiction - it could be given the powers of a royal official. The king could increase the court's jurisdiction over criminal matters by making the burgh into a sheriffdom, and this he did in Perth in 1394. In later years this privilege was extended to other burghs as well. In 1384 the burgh of Dundee was the recipient of

126. Irvine Muniments, no. 1, where the date is printed as 1205. Pryde makes a convincing argument for a date of 1305 in George Pryde, 'The Burghs of Ayrshire' in CAAS, 2nd ser., iv (1955-57), 13-20.

127. Kel. Lib., ii, no. 459.

a grant of various powers belonging to the office of constable when Sir James Scrymgeour quitclaimed his rights to "correction of blood", taking cirothecarum in fairs, examining of ells, weights and balances, and to all other pleas pertaining to the burgh's liberties.¹²⁸ Furthermore, if any burgess was arrested by the constable or his deputy, the bailies should sit in the constable's court and see that justice was done, and if the man was convicted the fine was to go to the bailies.

The role of the burgh court might not be all-embracing in all burghs, however. Late fourteenth-century Aberdeen had another institution which was apparently not under the supervision of the bailies. Interspersed with the records of the bailies' courts are reports of the sittings of the prima prepositi.¹²⁹ Dickinson tends to equate this with a gild assembly, although admitting that it might include the members of the council.¹³⁰ In view of the increasing prominence of the merchant members of the community at this period he may be right, but the evidence is not conclusive. A reference to the prima curia in the Statuta Gilde and to the prima gilde in the Edinburgh records suggested this meaning of prima to Dickinson. However, the fact that the entry in the Statuta Gilde is the first entry for that particular year means that prima curia cannot necessarily be taken as meaning gild court. The entry in the Edinburgh records is wrongly dated 1403 and should probably read 1453, therefore

128. SL, B59/23/4; RMS, iii, no. 615.

129. Abdn. Recs., 38, 99-100, 102, 104, 164, 179.

130. Ibid, cx, n.5. Nicholson and Pryde accept this identification, Nicholson, Scotland, 263; George S. Pryde, 'The Scottish Burgh' in SHR, xxxviii (1959), 48.

removing its applicability to the earlier period.¹³¹ Dickinson also suggests that the men of the gild in their prima were by this time choosing the burgh magistrates and council, and supports this by stating that the list of names given in the record of the prima of 27 August 1399 includes the alderman, three of the bailies and thirteen of the councillors chosen at the next Michaelmas head court. In fact the list corresponds to the alderman and three bailies, as well as one wine-taster, who were chosen in 1398, and the alderman chosen in 1399 does not appear on the prima list.¹³² Dickinson also suggests that the title prepositus was accorded to the alderman as head of the gild, thereby implying that the prima prepositi was a meeting of the gild. However, on two occasions the alderman is recorded as sitting in prima,¹³³ thus suggesting that the proceedings were not solely a gild affair.

While the constitution of the prima is not clear, what does emerge from examining the records is that it dealt with extraordinary business, outside the usual transactions of the courts of the bailies. It was in the prima that ordinances were made and measures taken for the protection of the burgh, actions which suggest the work of the town council. Thus on 2 December 1401 measures were taken to stop the spread of pestilence from the southern parts of the kingdom, while on 1 October 1400, William Walker was charged with procuring lordship against his neighbours. At other primae, several ordinances for the good of the town were

131. Statuta Gilde, c.49; Edin. Recs., i, 1. The list of names corresponds with those burgesses mentioned in the 1450s, Ibid., 15-18.

132. Abdn. Recs., cxx, n.1, 23, 99-100.

133. Ibid., cii, n.1, 38, 99.

made with the assent of the major part of the community. The breaking of trade laws was also dealt with, but as the transgressions included the baking of cakes,¹³⁴ it seems that interests wider than those of the gild were involved.

Whether or not the Aberdeen prima refers to the gild, it is evident that the gild was a feature of urban life in many early Scottish burghs. By the end of the fourteenth century there were gilds in Aberdeen, Ayr, Berwick, Cupar, Dumbarton, Dundee, Dunfermline, Elgin, Forfar, Irvine, Montrose, St. Andrews and Stirling, and probably in Edinburgh, Inverness, Inverkeithing and Roxburgh.¹³⁵

The function and composition of the gild in the medieval Scottish burghs have been the objects of much controversy among historians. Influenced by the idea of merchant-craftsman conflict which has permeated most writings about the later medieval burgh, urban historians have tended to assume that the roots for this must lie in the early exclusiveness of the gild merchant.¹³⁶ Recently, the picture of such conflict has been called into question,¹³⁷ and it follows that the idea of the exclusiveness of the early gild should also be called into question. Perhaps any exclusiveness was rather against

134. Abdn. Recs., 211, 164, 179, 215.

135. 'Mr. Gross on Scottish Guilds' in Scottish Review, xxxii (1898) corrects the list in Gross, Gild Merchant, 203-7.

136. Gross, Gild Merchant, 213; Nicholson, Scotland, 263; Stevenson, 'Low Countries', 147-8; Marwick, 'Institutions', 132; John Mackintosh, History of Civilisation in Scotland (London, 1878), 1, 459-60; Barron, Inverness in the Fifteenth Century, 32. The evidence of merchant-craftsmen conflict on the Continent has probably reinforced this view. See David B. Morris, The Stirling Merchant Gild and the Life of John Cowane (Stirling, 1919), 22-3.

137. M. Lynch, 'Whatever happened to the medieval burgh?' in Scottish Economic and Social History, iv (1984), 12-13. See also Reynolds, English Towns, 76.

non-burgesses than burgesses of certain occupational status.¹³⁸

The study of early gilds has also been influenced by the concept of the uniformity of the burghs, leading historians to suggest that the situation described in the thirteenth-century Statuta Gilde where the gild apparently dominated the burgh government would obtain in other burghs as well.¹³⁹ This idea may have been influenced by the English and Continental pattern of affiliation of boroughs in which the large-scale adoption of another borough's privileges and laws was common. However, while some early burgh charters do refer to privileges granted to other burghs,¹⁴⁰ there is little evidence of affiliation along English lines in Scotland. Moreover, Berwick at this time was the most prosperous and probably the largest burgh in Scotland,¹⁴¹ and therefore would most likely require a more complex gild organization than most burghs. In addition, many burghs had well-established gilds of their own by this period, and the organization of these would develop along local lines. Thus while the Statuta Gilde might provide a model for some gilds,

138. Mackenzie, Burghs, 73. In England, landholders and traders not resident in the burgh could join the gild, Reynolds, English Towns, 83. In Scotland, it appears that gild members had also to be burgesses. Perhaps the litsters and soutars excluded from the gild if they practised their trade with their own hands were not usually substantial enough to be burgesses, whereas men employing servants to do the work were probably burgesses. Iter Camerarii, c.28.

139. Murray, Burgh Organization, i, 462; Donaldson, Scotland, 233. Mackenzie, however, says that the Statuta Gilde cannot be simply applied to gilds elsewhere, Mackenzie, Burghs, 100.

140. Abdn. Chrs., no. 3.

141. See description of thirteenth-century Berwick in Chron. Lanercost, 185.

it must not be taken as representative of Scottish gild organization as a whole.¹⁴²

Unlike the Continent, where the licence to have a gild tended to be the subject of a separate charter,¹⁴³ many early Scottish charters included the licence to have a gild merchant among the privileges granted to the burgh,¹⁴⁴ thus emphasizing the commercial nature of the new institution. This was not invariably the case, as separate grants of a gild were made to Elgin in 1234 and Irvine in 1371, but in some instances it seems that this was a regrant of privileges, as a fourteenth-century grant to Dunfermline by the abbot gave the burgesses a merchant gild "with the houses belonging of old to the gild".¹⁴⁵

With the exception of Berwick, where the Statuta Gilde were framed for a new gild which was to replace all old gilds, there is little evidence of a distinction between merchant and craft gilds until the fifteenth century.¹⁴⁶ The grants made were of mercantile gilds, not of gilds of merchants. At this date the distinction between the craftsman and the merchant was not clear-cut as those craftsmen who bought their own materials and sold their own products were as entitled to see themselves

142. Dundee, which was granted a gild "as at Berwick" by Robert I might be an exception, but according to a historian of Dundee, there is little evidence of any gild activity until nearly two centuries later, Alexander J. Warden, Burgh Laws of Dundee (London, 1872), 92.

143. Gross, Gild Merchant, 282-3.

144. Stirling Chrs., no. 7; RRS, ii, no. 467; Abdn. Chrs., no. 3.

145. Elgin Recs., i, 8; Irvine Muniments, no. 4; Dunf. Req., no. 595. The timing of Irvine's grant may be significant as it was dated in the year in which Irvine became a royal burgh. A brieve to create a merchant gild existed by the fourteenth century, Req. Brieves, no. lxxviii.

146. Mackenzie, Burghs, 115; T. Pagan, The Convention of the Royal Burghs of Scotland (Glasgow, 1926), 6-7. According to Reynolds, the formal organization of separate trades in England apparently did not take place until the fourteenth and fifteenth centuries, Reynolds, English Towns, 75.

as merchants as those who bought and sold the work of others.

In the smaller burghs, especially, the very size of the population would have precluded the formation of several separate gilds. In larger burghs such as Aberdeen, the evidence of bequests to and foundations of altars in the parish church, all of which were made by individuals, suggests that the craft gilds which were to become so prominent in maintaining altars in the burgh churches, had not yet organized themselves, despite the traditions of the Perth Glovers and Hammermen that their origin went back to the time of William I.¹⁴⁷

The only possible evidence of craft gilds is to be found in the charters to Perth, Aberdeen and Stirling, which exclude waulkers and weavers from the gild merchant. The tendency of these two groups to combine in their own gilds in other European countries in the medieval period, as well as the likelihood that they might represent a largely foreign element in the early burghs,¹⁴⁸ probably led to this exclusion. It is difficult to determine if such exclusion remained the rule as later grants tend to refer to the freedom to have a gild "as other burghs in the kingdom do", without specifying whether or not waulkers and weavers were to be excluded. Whatever the theory, however, such exclusiveness seems to have disappeared in practice at least in some burghs as waulkers and weavers were to be found in the fifteenth century gilds of both Dunfermline and Perth.¹⁴⁹

147. Ebenezer Bain, Merchants and Craft Guilds (Aberdeen, 1887), 28. This tradition is probably based on William's charter granting the burgesses of Perth the right to have a gild merchant, RRS, ii, no. 467.

148. Bain, Merchants, 37, 292; Gross, Gild Merchant, 108-9; Barrow, Kingship and Unity, 102.

149. Ayr Chrs., no. 14. See above, p. 57.

Hints of the development of separate craft gilds are found in the records towards the end of the fourteenth century. The chamberlain was to inquire during his ayre if there was any confederacy among the burgh inhabitants which might injure neighbours.¹⁵⁰ This can be seen as representing anxiety that those excluded from the gild were attempting to form their own gilds, or as an attempt to prevent various crafts within the gild from breaking away and destroying the cohesiveness of the gild merchant. In the Aberdeen bailie court of 29 October 1398 the weavers of the town were charged with making a conspiracy among themselves in prejudice of the community,¹⁵¹ but again it is not known whether or not they were members of the gild.

One of the main concerns of the gild merchant, as its name suggests, was the merchandising of goods by the burgh and its inhabitants. Because the burgh existed primarily for trade, such a function could lead to a certain degree of overlap between the activities of the gild and the burgh government. However, there is little evidence to suggest that the gild actually took over the administration of the burgh.¹⁵² Rather, the gild should perhaps be seen as a part of the burgh government, concerned primarily with the regulation of trade. It need not even have formed a formal part of the administration, as its representatives, the gild brethren, would probably hold a large number, if not all, the burgh offices. The relationship between the gild and the burgh government was therefore a close one, but as far as can be

150. Iter Camerarii, c.28.

151. Abdn. Recs., 27, although this was perhaps a combined effort to raise prices rather than a permanent organization, Ibid, civ, n.9. In such joint efforts, the later craft gilds probably found their beginnings.

152. The most recent statement of this idea is in Rodgers, 'Town Planning', 76.

seen they remained as two separate bodies in most burghs.

The presence of gilds in most of those burghs which were by the fourteenth century involved in overseas trade gives another clue to their function. The gild apparently exercised a monopoly over the trade in certain goods. In the earlier charters when the production of cloth seems to have been the burgh activity afforded the most royal privileges, it was the cloth trade which was put under gild control. In Perth and Aberdeen only the members of the merchant gild could make or have made cloth shorn or dyed within their respective sheriffdoms.¹⁵³ However, as the export trade in wool, woolfells, and hides increased in importance in the thirteenth century, the members of the gild became more concerned with establishing a monopoly over the trade in these staple goods.¹⁵⁴ This is shown in a 1370 dispute between Cupar and St. Andrews in which the gild brethren of Cupar complained that the men of St. Andrews were infringing the rights of the gild of Cupar by buying fleeces, skins, hides and other things which pertained to the gild and that the gild brethren of Cupar had the sole right of buying such articles.¹⁵⁵

There is only one other fourteenth-century reference to the actions of specific gilds. On 4 April 1370 David II granted freedom of entry to the waters of the Tay and Northesk to the merchants of Brechin, notwithstanding grants to the burgesses of Dundee and Montrose, and forbade the burgesses and gild brethren of those two burghs to disturb the men of Brechin. This must have

153. Duncan, 'Perth', 43; Abdn. Chrs., no. 3.

154. Abdn. Recs., xcvi-xcviif.

155. APS, i, 536.

irritated not only the merchants of Dundee and Montrose but also those of Forfar, as five years previously David had ordered the removal of Brechin's market privilege and the protection of the rights of the gild of Forfar. In 1372 Montrose and Forfar retaliated with an agreement made by the burgesses and gild brethren of the two burghs, allowing reciprocal trading rights to the members of the gild of each burgh in all things pertaining to the gild, and explicitly excluded the men of Brechin from such privileges.¹⁵⁶ The fact that the agreement was between gilds shows the responsibility of that institution for maintaining the burgh's trading monopoly, at least in certain goods. It also shows the power of the gilds within their own sphere of influence as they were granting trading privileges to a certain group of burgesses, an action normally reserved to the crown.

In Perth, the powers of the gild merchant seem to have increased during the course of the fourteenth century. A charter of Robert III in 1397 confirmed to the burgesses and gild brethren of Perth the licence to arrest forestallers within the sheriffdom of Perth, and emphasized that the grant pertained to both the burgesses and the gild brethren.¹⁵⁷ It seems possible that the forestalling of staple goods might have come under the jurisdiction of the gild, while other merchandise was the concern of the burgh government. In 1406, a charter refers to separate courts of the bailies and the gild,¹⁵⁸ suggesting that there was some distinction in the jurisdiction.

156. Brech. Reg., no. 6; RRS, vi, no. 334; MA, M/W1/1.

157. SL, B59/23/6. Such powers would follow from the grant of the sheriffdom of the burgh.

158. SL, B59/23/4.

of the two. However, that the gild came to play an integral part in the legislative powers of the Perth burgh government in the early fifteenth century is suggested by the inclusion of the dean of gild among those magistrates who were allowed by the grant to make statutes for the governance of the burgh, and by the fact that the statutes were to be made with the consent of the gild brethren. In practice, the statutes made by the gild were probably mainly concerned with trade matters, but it was a recognition of the gild's prominent position in Perth that its assent to all statutes was required.

On the whole then there is little evidence for the primacy of the gild in most burgh governments during the fourteenth century, although the membership of many burgesses in both gild and burgh administration could result in the strong influence of gild interests on the policies of the burgh. However, it seems that the gild was primarily concerned with trade and that the other affairs of the burgh were left largely to the administration of the burgh magistrates. It would be a mistake to argue, as Duncan and Marwick do, that the use of the term alderman for the head of the burgh government necessarily implied the dominance of the gild, as in many burghs both prepositus and aldirmannus are used to refer to the head of the burgh government.¹⁵⁹ From 1400 there are references to a new official who apparently acted as head of the gild. In 1401, Adam de Spot was dean of gild of Edinburgh,¹⁶⁰ and his counterparts were soon to be found in other burghs.

159. Duncan, Scotland, 494; Duncan, 'Perth', 47-8; Marwick, 'Institutions', 128-9. Both terms are used in Edinburgh, Perth, Aberdeen and Inverness.

160. St Giles Reg., no. 163.

The gild did supplement the government of the burgh in an important way, at least to the benefit of its members. In the absence of extensive social legislation, the gild provided for its members by caring for the elderly, impoverished and infirm, and the widows and orphans of brethren.¹⁶¹ The common imposition of a wine penalty rather than a fine¹⁶² shows that it also provided a forum for conviviality and companionship and as such allowed its members to gather together in an atmosphere less formal than the burgh court, less serious than the burgh church and less commercial than the marketplace.

161. Barrow, Kingship and Unity, 103; Bain, Merchants, 4, 10, 26. See Statuta Gilde for Berwick gild regulations.

162. Statuta Gilde, c. 26, 28, 31, 35, 36.

CHAPTER THREE

LANDHOLDING

Perhaps more than any other feature, the possession of property was a central characteristic of the Scottish medieval burgh. The geographical extent of the burgh was defined by its rights of property-holding, both physically by the land within the settlement and, more theoretically, by the area over which it extended its trading privileges. Furthermore the status of burgh-ship itself depended on the possession of property, thus emphasizing the significance of landholding in the social structure of the community. While trade was the raison d'être of the burgh, landholding was the necessary precondition for its existence.

The stress on property-holding resulted from a number of factors. As a new institution, borrowed principally from nations where feudal society was the order of the day, the burghs reflected the central place of landholding within such societies. However, possibly more important was a practical consideration. If trade was to be concentrated in certain centres instead of being in the hands of wandering chapmen, the possession of land would serve as an excellent inducement for traders to settle themselves and their families in one place and carry out their business from there. Landholding would also encourage the settlement of numbers of craftsmen in one place and further aid the establishment of the trading centre through providing both goods to sell and the necessities of life for those who were mainly engaged in commerce.

Property played a fundamental role in town life from the very beginning of the burghs' development. The original inhabitants

each held a piece of land, a burgage, and together these burgages, with land belonging to the king and land held in common by the community, made up the physical area of the burgh. Individuals were encouraged to settle in the new burghs by the offer of land rent-free for a certain period, usually one year, during which time the tenant was to build a dwelling for himself. The requirement to build on the land shows the importance attached to actual residence, not just ownership, and was still insisted on in a number of fourteenth-century charters. In 1318 the recipient of a land in Arbroath was required to build a house "according to the custom of the burgh" within three years.¹ Having completed this condition, he was then eligible to receive the trading privileges which were the essence of burghal life, subject to his paying an annual rent, usually 5d or 6d, to the king.² Thus trade was directly connected to property-holding.

It must be kept in mind that the early burghs consisted of a set of individuals, each holding land separately of the king. This is a fact ignored by Murray who is the main burgh historian to put stress on property-holding as an essential prerequisite for the foundation of the burgh. Instead, he concentrates on the common lands of the settlement, saying that "the foundation of the burgh was its common property in which the burgesses had certain determinate rights, the possession of which made them a

1. Arb. Lib., i, no. 346. In Dingwall, the period of kirset, during which the land was held rent-free, was ten years, probably to attract settlers to a remote area, RMS, ii, no. 2387. In France, two years was the limit, Mackenzie, Burghs, 35.

2. In Dundee, the annual rent was 6d, SR0, GD76/148; in Inverness and Linlithgow 5d, Fraser, Colquhoun, ii, no. 17; SR0, GD215/1705, f. 138. In England, the usual rent was 12d, Gross, Gild Merchant, 71, n.3.

fellowship or community."³ However, these common lands were granted to supplement the individual holdings, as will be discussed below, and it is from the possession of the burgages and the use made of them by the burgesses that the character of the medieval burgh really developed.

While recognizing the importance of the possession of property in the burghs, historians have tended to lump together all burgh landholding under the term "burgage tenure", thus giving an impression of a uniform tenure common to all burghs and ignoring the true complexities of the situation.⁴ While direct tenure of the king in return for a money rent may have been the rule in the early days of the burghs, by the fourteenth century different landlords, the various uses to which the lands were put, and the frequent transfers of property had resulted in a far more complicated picture.⁵

When burghs were first established, landholding was primarily the concern of the burgess inhabitants. However, as the new settlements grew and flourished, the possession of burgh land was seen increasingly as a valuable asset and became confined no longer merely to the burgesses, although they still comprised the majority of burgh landholders. Thus during the fourteenth century, the crown, the church and the nobility were all to be found involved in burgh land transactions and thus exerting an influence on the lives of the burgesses.

3. Murray, Burgh Organization, i, 8.

4. Ibid, i, 36-7. Gibb follows Murray in this, Gibb, Glasgow, 21-2.

5. Similarly in England, grants of borough land resulted in "tenurial heterogeneity", although in English boroughs, the tenure may not have been uniform even at their beginning, Stephenson, Borough and Town, 86.

The crown had had an interest in burgh landholding from the first days of the burghs. It was the king who created them and it was of him that all the lands of the royal burghs were held. Even with ecclesiastical and baronial burghs it was the crown which ultimately sanctioned their existence. The royal overlord was still a potent force in the 1300s, especially in those burghs where the burgh roods were held directly of him. The crown continued to be actively involved in the disposition of certain burgh lands, including properties which had been forfeited or resigned and open spaces which had not been granted before.

Appendix 2 of the Register of the Great Seal contains several references to burgh lands granted by the Scottish kings to individuals,⁶ but the abbreviated nature of the descriptions makes it impossible to determine whether these were actual grants or merely confirmations of land transactions between two individuals. Both types are to be found among the charters recorded in the earlier part of the Register which gives much fuller transcriptions. In 1362 David II granted John Mercer, burgess of Perth, a piece of land lying in Saddlers' Street in Perth, while a charter of Robert II of 9 November 1375 confirms a grant by Andrew Bett, burgess of Edinburgh, to his wife Christina, of a tenement of his lying in Edinburgh.⁷

Most of the royal grants were made from lands which had been held previously by another individual but for one reason or another had returned to the king's hands. Default of rent, failure of heirs, bastardy and forfeiture could all lead to the escheat of

6. For example, RMS, i, app. 2, nos 1237, 1367, 1390, 1690, 1756.

7. Ibid, i, nos 174, 625.

burgh lands. The laws of bastardy forbade a bastard to pass on his land to anyone but the lawful heir of his body, although the king could grant dispensations as he did to Patrick de Innerpeffer, burgess of Dundee. However, escheats for bastardy did take place during the century. The land of Alexander de Fairley in Edinburgh reverted to the king because of bastardy sometime before 1369 when both Alexander and his son had died, and the land of Thomas son of Laurence de Chernside came into the hands of Robert II for the same reason.⁸

Treason could result in the forfeiture of lands to the crown, and such cases were fairly frequent during the war-troubled years of the early fourteenth century. Thomas Harper was granted all the lands of Gilloc de Camera both within and outwith the burgh of Haddington by Robert I, but later forfeited another property in Edinburgh when he joined the English in the reign of David II. The Edinburgh land, the "Quarrelpottis" was granted to William Bartholomew, who was himself later forfeited.⁹ Other burgesses suffering forfeiture included individuals from Ayr, Aberdeen, Berwick and Edinburgh.

The crown thus had available a supply of burgages which could be granted to those who served the king well. But there was also other land available in the form of the open spaces of the burgh, and it was perhaps in the disposition of these lands that the royal influence on the pattern of landholding within the burgh was most marked. Only the crown had the authority to allow building in such areas. When the burgesses of Ayr wished to narrow the Sandgate to protect the town against drifting sand, they had to

8. RMS, i, nos 629, 242, 855. The law is stated in no. 629.

9. Ibid, i, no. 65; RRS, vi, no. 80; RMS, i, no. 284. RMS, i, contains many other grants of forfeited land.

apply to the duke of Albany to do so.¹⁰

In making such grants the king promoted the interests of both individuals and the burgh as a whole. In almost all grants to burgesses the extra property was given to someone who held land adjacent to it so that he could enlarge his tenement or add new buildings to his property. Robert II granted Robert de Appleton, burgess of Inverness, a former vennel beside his land in the burgh, and Patrick de Innerpeffer land from the highway beside his Dundee tenement. The specific purpose for which these grants were made is not stated, but a grant by the community of Haddington to Hugh de Selkirk of land in the burgh common was made explicitly to allow him to extend his tenement,¹¹ and it seems reasonable to assume that the royal grants had similar aims.

The community and its various institutions benefited from similar grants. On 3 December 1365, David II granted the burgesses of Edinburgh a piece of land on the High Street to the west of the old tolbooth for the construction of a new tolbooth. Robert I had made such a grant to Dundee and in 1363 David II added a piece of land six feet by eighty feet. Land within Edinburgh Castle was granted to the Edinburgh burgesses in 1385 by the earl of Carrick (heir to the throne), presumably to provide protection against an English attack, while on a more peaceful note David II granted land in the common of Peebles to John of Peebles, master of the hospital there, to construct a chapel.¹²

10. Ayr Chrs., app. pp xxxv-vi; Dodd, 'Ayr', 363.

11. RMS, i, nos 649, 691, 379.

12. Edin. Chrs., no. 7; RRS, vi, no. 292; Edin. Chrs., no. 12; RRS, vi, no. 288.

Perhaps the greatest influence the king's property-holding had on the burghs was to be found in the fourteenth century when the crown began to grant the burghs themselves to the burgesses in feu-ferme. Apart from the thirteenth-century grant to Berwick, this was largely a fourteenth-century phenomenon beginning with the charter to Aberdeen in 1319. By 1400 there were seventeen burghs with the new type of tenure. While the burgh was still held by the king, and could, in fact, revert to him if the annual ferme was not paid, the administration of the burgh lands was now more effectively vested in the community.

The kings of medieval Scotland also affected the pattern of landholding within the burgh by their grants to the church. Many of the great religious houses were given tofts in several burghs, and by the fourteenth century the church had become a prominent landholder in a number of burghs, quite apart from being the superior lord of ecclesiastical burghs such as Glasgow and Arbroath. Sometimes these possessions were supplemented by grants from the burgesses as well.¹³

The church derived a number of advantages from its burgh holdings. First, it appears that the possession of a burgage gave the monastery a base in the town from which it could sell its produce and buy supplies. Arbroath Abbey had the right to trade in burghs in which it held burgages. This was of great advantage to abbeys such as Melrose with its extensive wool

13. For a discussion of monastic landholding in the burghs until 1300, see Wendy B. Stevenson, 'The monastic presence in Scottish burghs in the twelfth and thirteenth centuries' in SHR, lx (1981). Ecclesiastical landholding within the burgh is also discussed in Houston, 'The Scottish Burgh', 118.

production. As Wendy Stevenson points out, however, the grants also brought benefits to the burghs, by helping to promote their economic growth. Second, in the case of religious houses outwith the burgh, the burgage toft provided accommodation for the members when they travelled to the burgh on commercial business, to attend the itinerant king, or to hold an ecclesiastical court. Finally, the leasing of the property to residents of the burgh provided an extra source of income. From the thirteenth century, this became a prime consideration as abbeys began to acquire additional urban land, largely for their value as rent-producing properties.¹⁴

In some cases, notably that of Arbroath Abbey, the second and third functions were combined. Keeping property only for occasional use was wasteful so a number of grants of burgages were made with the proviso that the tenant provide hospitality whenever the abbot visited the burgh. The services to be rendered were set forth in great detail:

providing honest lodging for the abbot of Arbroath... and for his monks, lay brethren, and clerks, their bailies, and attorneys, coming for the business and causes of the monastery, as often as they shall arrive, each according to his station, with their attendants; a hall in which they may becomingly eat, with tables and trestles and other furniture, a spense with buttery, a chamber or chambers where they may comfortably sleep, a decent kitchen, and a stable for their horses to the number of thirty and under. They shall provide also ... sufficient fuel, as well in the hall and chamber as in the kitchen, white tallow candles ... bedding and straw in the hall and chamber and salt for the table.¹⁵

14. BL, MS. Add. 33245, ff. 60^v - 61^r; Stevenson, 'Monastic presence', 102-5.

15. Arb. Lib., i, no. 344. For other such grants, see Arb. Lib., ii, nos 6, 8, 14, 40.

They were not responsible for fuel and candles if the visitors stayed more than three nights. The abbot's messengers were to be admitted but the tenants were not liable for the cost of their food. By such leases the abbot assured himself of accommodation in the burgh, but also gained a valuable return from the property between visits. The arrangement was also profitable for the tenant as a grant by William the Lion to Arbroath made tenants of the Abbey's tofts in every burgh free from toll throughout the kingdom.¹⁶

Generally speaking, it was only the great abbeys which held tofts in many burghs. This was in keeping with the fact that the leading members of those institutions tended to be important personages in royal government and therefore required accommodation in whichever burgh the king's court happened to be held. Religious houses within the burgh, on the other hand, were less concerned with national affairs and therefore less likely to visit other burghs. Their concerns were largely local. The main function of these institutions' lands was the provision of an income to sustain the members and it was thus most convenient for them to have all their lands in one burgh. This pattern was reinforced by the pronounced tendency of the burgesses to confer lands or rents on local religious houses rather than on distant abbeys.

By the fourteenth century the acquisition of property in the burghs by the abbeys seems to have been relatively complete. Most of the documents of this period relating to the abbeys are concerned with the leasing of burgages rather than the receiving of grants. By the 1300s it had become the turn of the friars to

16. RRS, 11, no. 282.

benefit from such charity. This perhaps reflects the growing prosperity of certain burgesses who had amassed enough property to give some of it to the religious houses for the salvation of their souls. Lands and rents were also held by the various altars of the parish churches and used to sustain the chaplains serving them. Most of these grants were made by local burgesses who thus not only gained religious merit but did so in a way sure to attract the notice of their fellow-burgesses.

Ecclesiastical transactions in burgh lands did not all involve acquisition, however, and although church grants to burgesses seem to have been most plentiful in the thirteenth century they were still common in the fourteenth. In 1332 Arbroath Abbey granted a piece of land in Forres to John Hode, burgess of that burgh, while Scone Abbey granted land in Perth to John and Andrew Mercer in 1354.¹⁷

The holdings of the nobility in the burghs appear to have been much less extensive than those of the church, although this impression may be partly the result of the survival of sources, as religious cartularies have better stood the test of time than the records of the nobles. However, incidental references to such lands in other charters are much fewer than those to church-held lands. That some burgh lands were held by the aristocracy is indicated by an old burgh law which states that all tenants of lands of barony within a burgh should be subject to the laws of the burgh and be corrected by the bailies for breaking assize prices and all other civil causes and actions.¹⁸ Furthermore, in the

17. Arb. Lib., ii, no. 14; Scone Liber, no. 72.

18. Fragmenta Collecta, c.6.

twelfth century, the Constable and Steward of Scotland were granted tofts in all the burghs. These possessions remained in their hands into the fourteenth century. In 1389, Robert II made a grant to an altar in the parish church of Stirling of three pieces of land in the barony of the Steward of Scotland in the burgh.¹⁹ Other holders of burghal lands among this class included Gilbert de Glascestre and Isabel, countess of Moray.²⁰

Some such landholders were members of the local gentry, probably acquiring the lands through marriage to a burghess's daughter or by purchase or pledge. James Melville, lord of Gilcomston, most likely held his lands in Aberdeen by right of his wife as her consent was required in a charter concerning the properties in 1397. In 1396 William Reid who held the barony of Pitfoddels received a rent from a burgage in Aberdeen from Marjory and Margaret de Strathechine in return for a certain sum of money.²¹

Usually, however, it was the burgesses who acquired lands from the nobility and it seems that in the fourteenth century the holdings of the lay lords made up very little of the total land of the burgh. The problem of domination by a neighbouring lord which was characteristic of later periods finds little echo in the 1300s. The only hint of such fears comes in a 1385 charter involving the burgh of Ayr, and refers to lands outwith the burgh boundaries, when the holder of the lands promises not to let them to any lord more powerful than himself. However, in this case the holder of the lands was not a burgess, and therefore there was perhaps a

19. RMS, i, no. 755.

20. Ibid, i, no. 461; Moray Reg., no. 232.

21. SR0, GD52/396; Abdn. Reg., ii, 293-4. William's barony of Pitfoddels is mentioned in 1391, ER, iii, 266.

greater chance of the lands being passed on to a greater lord.²²

In the 1300s it was the burgesses who were the dominant force in the burgh.

When the burghs were first established individuals gained burgess status by virtue of a grant by the king or burgh superior of a burgage land for which a yearly rent was paid. The power to make these grants might be delegated to officials, but the burgesses still held directly of the king or other burgh superior. It seems likely that most burgesses at this time would hold only the one burgage as the work involved in settling in a new place and setting up a new business would be considerable while the opportunities for purchase would be few. However, by the fourteenth century the situation had changed. The increasing wealth of the burgesses resulting from their expanding business interests meant that property became a commodity to buy and sell, to lease and pledge, and to exchange and grant, as well as a qualification for burgess-ship.

As soon as the first burgage lands had been granted by the burgh superior, the acquisition of burghal property was no longer dependent entirely on such grants. For those born into burgess families the gaining of burgh lands and the rights that went with them was mainly a matter of inheritance. Several of the burgh laws deal with the heritability of property and the protection of the rights of the burgess's wife and children.²³ The son of a burgess enjoyed the rights of burgess-ship while he lived in his father's house but once he left the family home he needed to acquire a burgage of his own in order to be entitled to the burgh

22. Ayr Chrs., no. 41.

23. Leges Burgorum, c.23, 24, 41, 42, 95, 98, 101, 108, 114, 116; Iter Camerarii, c.4; Fragmenta Collecta, c.19, 21.

trading privileges. Although there is no detailed evidence of how such an acquisition was made, it does not appear to have been too difficult to gain possession of burgage land as there are a number of documents where both father and son are named as burgesses.²⁴ If a burgess was wealthy, he could grant one of his properties to his son upon the latter attaining his majority or later marrying and moving away from home. If the eldest son did not acquire independent burgess-ship while his father was alive, he would qualify for that status upon inheriting the family burgage.

Inheritance was not restricted to the eldest sons of burgesses. Provision was also made for younger sons and for daughters. If a burgess's only child was a daughter she had the same rights of inheritance as an eldest son. Furthermore, provisions could be made in case of a lack of direct heirs of the body, so that the lands went to a specified individual, usually a relative. This could be accomplished by a regrant of the burgess's lands with a clause added to ensure a certain succession. In 1400 Andrew Leiper, burgess of Edinburgh, resigned his burgh lands to Robert III who regranted them to Andrew and his wife Marie Forrester. If they had no heirs, the lands were to pass to Adam Forrester, Marie's father.²⁵

Because the possession of a burgage was the qualification necessary for burgess-ship, certain laws were framed to prevent the alienation of the family inheritance. Inherited land was not to be alienated except in cases of urgent necessity for the relief of poverty. Even in such a situation there was an attempt to keep the lands within the family as the owner had to offer the

24. AUL, MS M.390, Mass 1/11; SRO, GD124/1/411.

25. St Giles Reg., no. 25.

lands to his relatives at three head courts before he was free to sell it to anyone else.²⁶

However, no such restrictions were placed on the disposal of lands acquired by purchase or grant and gradually an active land market developed as wealthy burgesses came into possession of more and more land. By the fourteenth century there are numerous examples of the active transfer of properties by their burgess holders.

There were several ways in which burgh lands could be used to bring money to their owners. The most obvious of these was the direct sale, where the land was exchanged for a certain sum of money. In a society where ready cash tended to be in short supply but where a large amount might suddenly be required due to the exigencies of trade, the advantages to a burgess of a direct sale over a feu-ferme grant with its annual render could be considerable.

The purchase-price of land is rarely stated in the documents of sale. All that is said is that the purchaser gave the seller "a certain sum of money". Presumably it was not felt necessary to include the price as it had no effect on the security of tenure. There are a few receipts for sales of land to the church. These may not be truly representative of burgh land values, however, as given the medieval concern with the welfare of the soul, it is quite possible that the lands were sold at a price advantageous to the church. In 1305 Sir William de Durrem sold to Melrose Abbey a burgage in Peebles for the sum of 14 marks sterling. In 1331 the abbey purchased a tenement in Berwick from Alicia and John

26. Leges Burgorum, c.42; SRO, GD52/395; DA, TC/CC 10, no. 5.

Moigne, the widow and son of a burghess of Berwick, for 10 merks sterling.²⁷

One of the best examples of a straightforward sale is that by Robert Rolland, burghess of Edinburgh, to his co-burghess, Patrick de Hill, in 1397.²⁸ Robert sold Patrick a certain land in Edinburgh and stated that Patrick was to hold it a me, that is, directly of the king without the intermediary lordship of Robert. The rents owed to the king, to the altar of St. Mary in St. Giles and to Sir Roger Wigmer, were now Patrick's responsibility.

Sometimes sales of land took place under the auspices of the burgh community because the landholder was in debt and unable to pay. Such a case occurred in Perth in the late fourteenth century. John son of Malcolm owed the king £4 Scots in royal customs. In order to raise the money two of the burgh bailies offered a land belonging to John for sale to his friends. As the friends did not buy the land, the bailies sold it to John de Spens and gave him sasine.²⁹

Related to the sale in that it brought a lump sum to the landholder, was the pledge or wadset. Land was often pledged for a number of years after which, if the debt was not paid, the creditor could take possession. By allowing the creditor to enjoy the revenues of a land while he held it, the debtor would be paying interest on the loan. That pledging was a common practice is shown by the burgh laws regulating the action.³⁰ The pledging of goods for all sorts of events was a characteristic of medieval burgh life and the pledging of land followed naturally from this.

27. Melr. Lib., i, no. 354; Melr. Lib., ii, no. 442.

28. SR0, GD198/221.

29. St. AUL, Skene of Halyards papers, no. 13.

30. Leges Burgorum, c.79, 90.

Pledges usually involved fairly large sums of money.

The documents record amounts varying from twelve to one hundred pounds. The parties involved were generally the wealthier burgesses of the period. It was usually a burgess who was on the receiving end of the largest pledges, probably because he had more ready access to cash than did the lord whose rents were paid largely in kind. However, burgesses also figures as debtors, although the creditor was usually another burgess. In 1370 Walter Martin, burgess of Edinburgh, pledged to his co-burgess William de Lauder, a twenty shilling annual rent from a burgh land in return for twenty marks sterling paid to him by William.³¹ The rent was to remain with William until the twenty marks was repaid.

By far the most common form of alienation was the grant. The reason for the grant is rarely stated but many of the charters refer to a sum of money given to the granter in his grave necessity and it may be that a number of these grants were disguised sales. Certainly, lump sums were involved in many of these transactions.

Such grants could benefit the original landholder in several ways. If he himself was a tenant of another burgess or lord he could both gain money by alienating the land, as long as his superior permitted him to do so, and free himself from the payment of the rent. If a burgess granted a land to be held de me, he received a steady yearly income from it. Furthermore, the grant of annual rents would be an easier method of paying off a debt than attempting to find ready cash to reimburse a creditor.

31. SRQ, RH6/152.

There were some restrictions placed on these grants.

As well as the laws against alienating heritage lands, some grants of burgh lands by the church forbade the tenant to dispose of the property without licence from the superior. This was especially true of grants by the Abbey of Arbroath.³² In general, however, burgesses were as free as any landholder in the kingdom, if not freer, to grant their lands and rents.

Grants were made to provide for younger sons, as marriage portions for daughters, and to support wives in the event of their becoming widows.³³ But as well as being used to secure the material welfare of a family, they were also used in the attempt to ensure spiritual reward, hence the great number of grants to the church in this period. Although the proportion of such grants to other types of land grants cannot be accurately determined as the survival of the religious charters is much higher than of the secular ones, nevertheless the number of grants to the church by the burgesses shows that they were a common feature of urban society.

The value of these grants varied considerably. If treated with caution, they can be taken to some extent as an indication of the wealth of the individuals involved, although due allowance must be made both for the pattern of the survival of the sources and the piety of the granter. Generally, however, the largest grants came from the most prominent individuals of the period. Men such as John Crab of Aberdeen made grants involving several lands and rents while lesser-known burgesses such as William Braid of Arbroath granted a 12d annual rent from a land in Arbroath.³⁴

32. Arb. Lib., i, no. 344; Arb. Lib., ii, nos 8, 13, 14, 40, 44. See also Scone Liber, no. 77.

33. Abdn. Req., ii, 286-7; Ayr Friars, no. 10; RMS, i, no. 625.

34. RRS, vi, no. 260; 8L, MS Add. 33245, ff 79^v - 80^v.

These grants were usually made in free alms, requiring no services to be rendered. That this was common practice is suggested by the phrase in William Braid's charter which states that the rent is "to be held in alms as any alms can be given by any burgess".

The practice of granting annualrents to the church could lead to some complexity in the payment of rents for certain lands. Few of the documents state whether the rent granted is the whole sum due to the granter or only a portion of it, but it can be seen from other evidence that it was quite common to grant only a part of the rent to the church. In 1329 James son of John granted a land in Aberdeen to James son of Adam. James was to pay annually 2s to John, 3s to Roger called Sleth, and 3d to the abbot of Kinloss.³⁵ This granting of partial rents is unfortunate for the historian as it means that the amounts stated in the stents of annualrents cannot be taken as the actual rental values of the lands, although they may be used as indications of the worth of properties when compared with other properties.

Lands were granted to religious houses to provide an income for the friars and to the parish churches to found or assist in the upkeep of a particular altar and the priests serving there. In 1401, Robert Brown, burgess of Perth, granted 10 merks annualrent from his lands in Perth to augment divine service at the altar of St. Ninian in the burgh church. The community of the burgh was involved as it was to give advice on the choice of the chaplain.³⁶ In other cases, it was involved in the actual administration of the lands so granted. Most grants by the community to individuals specify payments to altars, suggesting that this

35. SRO, GD52/391.

36. SRO, GD79/4/106.

process must have been a fairly common one.³⁷ In 1361, at slight variance with the usual practice, Edua of the Old Castle sold lands in Inverness directly to the community to sustain a chaplain at the altar of the Holy Cross in the parish church of Inverness.³⁸

Related to the acquisition of land was the receiving of a grant of annualrent. By the fourteenth century, many lands were rented for sums much higher than the rent due to the king and grants of the rents had become quite common. Apparently, a land and its rent could be treated as two distinct elements, with one individual enjoying the whole or partial income from the land and another the income from the rent. In some cases, the rent was divided among several people. Thus a burgess granted a particular property might pay a certain rent to the granter and a second sum to someone else - often the church or the priest of an altar.³⁹ As with land, rents could be inherited, and they are frequently mentioned as one of the parts of an individual's possessions in the form "lands, tenements and annualrents".

It would be interesting to know what rights were conferred on the recipient of the entire annualrent of the burgage. Presumably such a grant would not qualify the holder for burgess-ship as the qualification for this was the land itself and not its income, but lack of evidence means this cannot be proved. Practice may have varied between the burghs.⁴⁰ In practical terms, grants of

37. AUL, MS M.390, Mass 10/5; St Giles Reg., no. 14.

38. Invernessiana, 65-6.

39. For example, SR0, GD215/1705; Pais. Reg., 374-5.

40. In twelfth century Pontefract and Grimsby, the burgess franchise could be acquired by a tenant who rented the principal house on a toft. The tenants of other buildings on the same toft could buy and sell in the borough for an annual payment of 4d to the reeve, Stevenson, Borough and Town, 141.

annualrents probably had little effect on the pattern of landholding in the burgh. The tenant might pay part of his rent to someone else but the ownership of the property remained vested in the granter.

The granting of such rents shows the importance of cash within burgh society, and represents a step away from feudal society where land was the main medium of exchange among property-holders. While land was still a very important commodity, direct grants of cash income were becoming an increasingly popular form of payment. But the feudal roots of this were still visible, for the payment of cash was firmly based on the possession of land. Furthermore, the alienation of annualrents was almost identical in its features to the alienation of land, with rents being treated simply as a form of property.⁴¹

Having acquired burgh lands and rents, on what terms did the landholder hold them? The feudal tenure which was the accepted mode throughout most of the kingdom emphasized the rendering of services to a superior lord in return for the occupancy of the property. Murray, in his desire to emphasize the unique nature of the burgh, compared this feudal tenure with that in effect in the towns, and stated that in the early burghs there was no tenure in the feudal sense.⁴² This is carrying the distinction too far. While burgage tenure did differ in many respects from the feudal tenure of the countryside, it still had certain elements which owed not a little to feudalism. Furthermore, conditions of tenure varied, not only among the burghs but even within the individual

41. M.M. Postan, Medieval Trade and Finance (Cambridge, 1973), 14-16.

42. Murray, Burgh Organization, i, 36. How early a period he means is not clear.

burgh, so that to make such a general statement about the nature of burghal tenure is greatly to oversimplify a complex situation.

Originally, all burgages were granted by the king, or in the case of ecclesiastical or baronial burghs by the burgh overlord. Each burgage was held directly of the burgh superior by its burgess tenant. However, by the fourteenth century the picture of burgh tenure had grown much more complicated. Royal grants of land to institutions and persons outwith the burgh, and also grants and acquisitions of property by the burgesses themselves, combined to create new forms of occupancy, often with services additional to those required by traditional burgage tenure.

The earliest form of tenure consisted of a yearly rent, and the carrying out of certain services which contributed to the welfare of the burgh, including watching the burgh by night and attending the burgh courts. The feudal idea of service was thus not entirely absent from burgage tenure. It could be argued that these services were a condition of burgeship rather than of the tenure of a burgage, but the two were so closely related that such a distinction would probably not have been recognised at the time.

With the granting of feu-ferme charters to the burghs in the fourteenth century, the annual payment from the burgage went to the burgh instead of the king who now received a fixed sum each year from the burgh. However, this did not change the form of tenure, merely the recipient of the rent. The land was still held of the king in free burgage. In Aberdeen, after the grant of the feu-ferme charter in 1319, there are still grants of burgh lands

which refer to the rent or services owed to the king.⁴³

In ecclesiastical burghs such as Arbroath tenure was similar, although the superior was the abbot or bishop instead of the king. The tenure of land in Arbroath was stated to be in free burgage or "as freely as any other burgess holds of us in our burgh", thus implying a uniformity of tenure within the burgh. The yearly render was higher than the king's ferme, ranging from 12d to 18d.⁴⁴

It was in fact the uniformity of tenure which differentiated landholding in the ecclesiastical and probably the baronial burghs from the king's burghs at this time. By the fourteenth century, there was a great variety of landlords in the king's burghs and this was bound to lead to different conditions of tenure. In the other burghs, however, there was only one superior lord and the tenure of all the burgages could remain basically the same.

Ironically, it was the abbeys, those institutions which held burghs where uniform tenure was the rule, which introduced into the king's burghs a type of tenure which differed most markedly from the others. As mentioned above, abbeys such as Arbroath made the provision of hospitality one of the services required for the right of inhabiting their property. As Arbroath had tofts in most burghs, this type of service was to be found in many of the towns of Scotland. Even more unusual was the clause "saving to us the iusticia regalitatis and all other pleas we wish to hold in the said land".⁴⁵ It is difficult to determine how extensive was the jurisdiction which this phrase implied, but the use of the term regality seems to indicate that the abbey reserved the right to

43. SRO, GDS2/396; AUL, MS. M.390, Mass 10/18, Mass 10/26.

44. Arb. Lib., i, nos 322, 346; Arb. Lib., ii, no. 13.

45. Ibid., i, nos 269, 349; Ibid., ii, nos 8, 14, 40, 44.

hear both criminal and civil causes relating to the land. The phrase only occurs in connection with those lands for which hospitality was a required service, suggesting that these were the lands originally obtained by royal grant and therefore perhaps free of burghal jurisdiction. There were also other restrictions placed on the tenure of these lands as the holders were not allowed to sell, pledge or grant them without the consent of the abbey.⁴⁶ Thus any transfer of these lands presumably had to take place in an ecclesiastical court rather than a burgh court. This limited the participation of other burgesses in such transactions, and served to emphasize the distinctive tenure by which the lands were held.

This is not to say that the church and burgh were always in conflict over powers of jurisdiction. In some cases a compromise was reached. In the 1323 dispute between the burgesses and the abbot of Kelso the burgesses were held to have injured the abbot's authority by making new burgesses themselves. However, the importance of the burgh court was recognized as those burgesses elected by the abbot were to be presented in the burgh court and deemed "fit and sufficient".⁴⁷ It seems likely that similar compromises were reached over the question of land jurisdiction in the various burghs.

Land held of the church in the king's burghs was generally held in feu-ferme as were most lands outwith the burgh. However, the type of services differed. A money rent was usually the most important part, but services such as hospitality might also be

46. Arb. Lib., i, no. 344.

47. Kel. Lib., i, no. 549. See above, p. 127.

required. As well as the annualrent, the king's ferme had also to be paid, so that tenants holding such lands were in fact paying two rents. By the fourteenth century the king's ferme was usually far less than the rent paid to the church and had probably become little more than a symbol of the ultimate feudal superiority of the crown.

The rent paid to the church was a more utilitarian one. Although usually a cash sum, sometimes all or part of it was paid in kind, with the tenant providing wax for the light of the church or foodstuffs such as herring.⁴⁸ That there was an economic motive in charging a money rent is indicated by grants that take account of the rising value of land when improvements are made. In 1354 Scone Abbey granted to John and Andrew Mercer a land in Saddlers' Street in Perth. The first year that they held it, the Mercers were to build a house, then the following year they were to pay 3s 4d rent. The rent increased to 6s 8d in the third year, to 10s in the fourth year, and by 3s 4d each year until it reached 26s 8d in the ninth year from which time it remained static. The abbot ensured that he would receive the stipulated sums by imposing a penalty of £6 if the house was not erected by the ninth year, this amount being equal to the total of the rents over the nine-year period.⁴⁹

Burgh land held of the nobility was also held at feu-ferme and at a reasonable rent, varying from 30d to one merk.⁵⁰ The burgh laws state that burgesses holding such lands were to be subject to the burgh officials in all civil cases so it seems safe to assume that they were responsible for the usual burgh

48. Moray Req., no. 160; Newb. Req., no. 736.

49. Scone Liber, no. 72. The charging and accepting of a yearly-increasing rent also implies a faith in the growing prosperity of the burgh, Duncan, 'Perth', 46.

50. Pais. Req., 374-5; SRO, GD1/17/11; SRO, RH1/2/120; Moray Req., no. 232; Brechin Req., ii, no. 404.

duties which accompanied the possession of a burgage, at least if they wished to enjoy the privileges of burgh-ship.

With the purchase and alienation of lands by the burgesses themselves, the picture becomes increasingly complicated. Unfortunately, there is little evidence of the exact tenure of the lands. Where property was alienated a me the recipient would hold directly of the king. In grants made de me, the new tenant held of the granter, but it is not always clear who was responsible for the payment of the king's ferme or the fulfilment of burgh duties. Those charters which do mention the king's ferme usually delegate the responsibility of the payment to the recipient of the grant.⁵¹ Perhaps where such a clause was not included the payment continued to be made by the granter.

As well as "free burgage", burgh land could be held in feu and heritage, at will, for life or in free marriage. In land granted in feu and heritage, the recipient's successors would also enjoy the property, although there were sometimes restrictions on the succession, limiting it to those who were actually heirs of the body.⁵²

Land held at the will of the granter does not seem to have been very common. It is unlikely that such an insecure form of tenure would have been very popular. One of the few examples is found in Glasgow where Emma Dulle held a tenement at the will of John de Govan, burghess of Glasgow, for 3s rent.⁵³ Emma was probably not a burghess and it seems likely that this form of tenure may have been more usual among non-burgesses who generally held

51. SRO, GD111/1/5/1; Fraser, Colquhoun, ii, no. 18.

52. RMS, i, no. 760.

53. Glas. Friars, no. 14.

their lands of the wealthier of the burghesses. Unfortunately, however, the sources remain silent about the terms on which most non-burgesses occupied their lands.

Grants of land for life were also made, although they were less common than grants in feu and heritage. Life grants were sometimes made to priests serving at parish church altars, as in a grant by Anna de Keloche to a priest in the parish church of Stirling in 1372.⁵⁴ Women were also granted properties for life, perhaps due to the influence of the burgh laws which provided for the widow by ensuring that she was entitled to the flett, the inner half of the family house, for the rest of her life after her husband's death. Christina de Syres, whose husband Peter was granted a toft in Arbroath by the abbey, was to enjoy tenancy for life if Peter predeceased her. Andrew Bett of Edinburgh granted a tenement to his wife for life in 1375.⁵⁵

Another form of burgh tenure was "free marriage". In cases where an individual married the daughter or sister of a burghess he might be granted land or rents to hold by such tenure. John Bryd of Perth was granted one merk annualrent in "free marriage" by his bride's brother William de Pol in 1321.⁵⁶ As with grants made to the church "in free alms", no render was required in return. If there were no children of the marriage, however, the holding reverted to the granter.

Tenure might also be granted for part of a land, as a slightly later example shows. In 1411, John Whitton, burghess of Edinburgh, granted to Martin Wright the whole fore part of his

54. RMS, i, no. 380.

55. Leges Burgorum, c.23; BL, MS. Add. 33245, ff 137^v - 138^v; RMS, i, no. 625.

56. NLS, MS. 6485, no. 6. See Leges Burgorum, c.41.

tenement.⁵⁷ Presumably, burgess rights could not be obtained with such a grant unless the recipient also held other burgh lands as property equivalent to one burgage rood was required.

It is not clear whether or not by the fourteenth century an individual needed to hold his land directly of the king or burgh superior in order to enjoy burgess privileges. Perhaps as the burgh assumed more control over its own affairs, the important qualification for burgess-ship came to be the possession of land that would bind the burgess's interests to the burgh, and it did not matter so much of whom he held that land. Indeed, if a burgess's immediate superior was another burgess, this might tend to bring him even more into the burgh community.

That an overall concept of burgh tenure existed and was recognized by the burgesses of the period is indicated in a grant of 1384. John Hossok, burgess of Inverness, granted a land in Inverness to William de Dunbar, burgess of Aberdeen. William was to hold the land "as freely as any burgage is held in the kingdom".⁵⁸ Perhaps it was an achievement of the medieval mind that somehow all the gradations and variations of tenure could still form a unified whole, just as the different laws, customs, and privileges of the different burghs did not detract from the central essence of the "burgh". "Burgage tenure" did exist, but as an abstract concept rather than a legal definition, and this is in keeping with the picture of the fourteenth-century burghs of Scotland, alike and yet each unique.

By the fourteenth century, many burgesses had accumulated

57. Camb. Reg., no. 94.

58. SR0, G0190/2/2.

enough wealth through trade and industry to be able to invest it elsewhere and diversify their interests. Here, land was to prove an attractive alternative source of wealth to the more traditional pursuits of the burgesses.

Duncan notes the tendency to invest in land in the thirteenth century, but emphasizes rural property, largely ignoring a similar trend which was taking place within the burghs themselves.⁵⁹ In the fourteenth century, grants by burgesses to the church and inquisitions held on the heirs' rights to succeed to their father's lands, show that certain burgesses were able to acquire a large number of urban properties. Usually these lands were spread throughout the burgh. Sometimes there might be an attempt to consolidate them, but this tended to occur more in connection with arable lands where such consolidation could greatly increase the value of the lands.

It seems likely that it was the income which could come from renting out these properties which was the main incentive for acquiring them, although they also represented a source of capital which could be mobilised quickly through sale or pledge if required. The ownership of several burgages did not confer any more trading privileges than did the possession of a single burgage. Status was gained much more through the holding of rural properties than of urban ones. Furthermore, in the commercial world of the burgh and of overseas enterprises, the most useful sort of income was one of cash, such as burgh lands produced. It seems therefore highly possible that here might be found the beginnings

59. Duncan, Scotland, 503. Investment in urban property also developed in England and Flanders, Postan, Medieval Trade, 15; W. Prevenier, 'La Bourgeoisie en Flandre au XIII^e siècle' in Studia Historia Gandensia (1979), 409.

of the development of a rentier class,⁶⁰ although the evidence is too patchy to determine whether or not there were some burgesses who derived their entire income from rents.

The ownership of large amounts of burgh land was not a phenomenon confined to a few of the larger burghs. Such landholders were to be found in Dundee, Roxburgh, Berwick, Irvine, Edinburgh, Aberdeen, Perth, Stirling, Glasgow, Elgin, Ayr and Inverness. If the documents had survived they would probably be recorded elsewhere as well.

One of the best examples of these burgesses is John Crab of Aberdeen. His interests included a land in Upperkirkgate, some booths in Gallowgate, two lands in Netherkirkgate, one in Castlegate, one in Shiprow, four in the Green and various other lands, as well as his extensive holdings in the croft territories. In a 1382 grant to the Carmelites, many of his burgh holdings were listed.⁶¹ The rents from them totalled £9 4s, and varied from 40d to 2 merks. Some of the lands were apparently his and were rented to tenants while others appear to have been held by him of others and then sublet. Thus, the apothecary's booths on Gallowgate, and one of the Netherkirkgate properties on which he had just newly built seem to represent an investment in the lands to make them more profitable, while the 2 merks rent from a land in Castlegate which he held of William Reid presumably was sublet by Crab, unless he lived there himself. A land in the Green may have been granted by Crab to Thomas Reid for an annual render of at least 8s, and then rented by Reid to Nicholas de Etale, as Crab

60. Similar evidence exists for the development of a rentier class in Bury St. Edmunds at about this time, Robert S. Gottfried, Bury St. Edmunds and the Urban Crisis: 1290-1539 (Princeton, 1982), 136-43.

61. RMS, i, no. 682.

was able to pledge an 8s rent from this land, although it is also possible that Thomas had earlier granted an annualrent to him.

The tenants of these lands included both burgesses and non-burgesses. Thomas Reid was a burgess and if he did indeed sublet his land he might represent less wealthy burgesses who entered the urban investment market by leasing land to rent out rather than actually purchasing it. Whether the subletter then paid the part of the rent due to the chief lord of the property directly to him or as part of the payment to his immediate superior is not clear.

In a number of charters, booths are included among the possessions listed. Again, this suggests an investment in the commercial use of the property. Booths could be rented to merchants or craftsmen after they had been built by the owner of the land, and if they were conveniently sited near the market, there would probably be no shortage of takers. For a burgess whose own burgage was not so ideally-sited, the renting of such a booth would represent a cheaper alternative to purchasing a burgage nearer the market, while for a non-burgess such an arrangement might be the only way in which he could obtain a permanent place in an area surrounded by burgages. Certainly, Richard son of John, burgess of Elgin, seems to have invested in the building of booths, constructing thirteen of them in the market of the burgh. John Wigmer of Edinburgh was able to grant 13s 4d annualrent to the altar of the Virgin in St. Giles from his booths.⁶²

It cannot be determined if the rents granted to the church from

62. Moray Req., no. 242; St. Giles Req., no. 156.

these properties represented the entire income from the lands, but even if they did not, the amounts involved in some of the grants are considerable and would form a sizeable contribution to the wealth of their owners. The rents from the properties of Andrew Leiper of Edinburgh totalled £14 ls. In this case, the figure probably represented the true worth of the rents, as they were being confirmed to him by the king. An inquisition in Edinburgh in 1405 found that Adam Forrester had died seised in rents worth £17.⁶³ Elsewhere, the evidence comes from church grants and may not reflect the true income of the holders, but it is interesting to note that there is a rough correlation between the amounts and the probable prosperity of the burghs. The smallest figures come from Glasgow, Stirling and Irvine, the medium ones from Ayr, Aberdeen and Elgin, and the largest ones from Perth and Edinburgh.⁶⁴ While too much reliance must not be placed on such a correlation, which is based on very few documents, the figures may be useful if taken in conjunction with others as a general indication of the degree of prosperity of the various burghs.

The lack of evidence makes it difficult to determine how prominent many of these landholders were, but it seems that the ownership of large number of properties did not necessarily result in a great amount of involvement in burgh affairs. While some of the landholders such as Adam Forrester, Roger Hogg and John Mercer were among the most important burgesses of the period, others such as John de Kilmarnock of Ayr, Thomas Baxter of Irvine,

63. St Giles Reg., nos 25, 28.

64. The rents from the various burghs were: Glasgow - 21s 4d; Stirling - 25s 6d; Irvine - 37s 10d; Ayr - 50s 9d; Aberdeen - 56s 4d, 50s 9d, 66s 8d, 80s, 197s 4d; Elgin - 100s; Perth - 133s 4d; Edinburgh - 74s 4d, 168s, 198s, 200s, 281s.

Thomas Bonere of Aberdeen and William Pop of Elgin,⁶⁵ appear in the records only by virtue of the properties they held.

From their very beginning, many burghs had extended their influence far outside the burghal boundaries through the trading privileges which they were granted over specific areas, in many cases an entire sheriffdom. But the extension of burghal influence could take other forms, and one of these was the ownership of land.

The farming activities of the early burgesses meant that land was needed by the burgh for the growing of crops and the pasturing of animals, as well as to supply peats for fuel and timber for building. The burgh therefore was given an allotment of land, outwith the boundaries of the burgages, which was given over to agricultural pursuits. The terra prepositura found beside the northern burghs of Elgin, Inverness, Banff, Cullen and Forres, the "Borumore" of Edinburgh, the burgess acres of Ayr and the croft territories of Aberdeen all represented the agricultural holdings of these burghs.⁶⁶ With the exception of Ayr,⁶⁷ there is no indication of any rent paid to the king for these early burgh lands, and as they were therefore of little financial interest to the crown, it seems likely that their administration was entrusted to the burgesses at an early date.

Often the king granted additional lands to a burgh after it had been established for some time. Usually the grant was

65. Ayr Friars, no. 12; Irvine Muniments, 123-4; Abdn. Req., i, 71-2; Moray Req., no. 241.

66. Abdn. Recs., lxxviii; SRO, GD52/1033; RMS, i, no. 262; Dunlop, Ayr, 11; AUL, MS. M.390, Mass 10/11. See Fox, 'Urban Development', 80, for a map of Stirling's holdings. The lands granted to Ayr comprised about 2300 acres, Dodd, 'Ayr', 318.

67. Ayr Chrs., no. 1. The burgesses paid an augmented rent of 12d for each burgage and the six acres of land pertaining to it.

stated to be "for the support" of the burgh, leading Mackenzie to suggest that it was intended to replace the need for taxation to pay for local administration.⁶⁸ The revenue from these lands might therefore represent the origin of "the common good". William I granted the land of "Croc" to the burgesses of Inverkeithing and the Burgh Haugh to Inverness, while the five pennylands of Kyle were granted to Ayr by Alexander II in 1236. Such grants continued in the fourteenth century and were sometimes included in the feu-ferme charters to the burghs. In 1313 Robert I granted the care and custody of the forest of Stocket to the burgesses of Aberdeen and in 1319 the forest was included in the possessions which they were to hold in feu ferme.⁶⁹

The way in which these lands were used varied depending on their nature. Pastoral and waste land were given over to common use. Here the burgesses could pasture their animals, probably under the supervision of a common herd as at Aberdeen in 1399.⁷⁰ In Glasgow, this terra communis was divided into three parts, with one probably used mainly for winter fodder, another for summer grazing and the third for timber and fuel.⁷¹ In some burghs, the right to resources such as peat and wood might also be granted from lands not actually belonging to the burgh.⁷²

Lying closer to the burgh was the terra campestris, the arable land. This land was usually divided up between the

68. Mackenzie, Burghs, 160-1.

69. RRS, ii, nos 102, 213; Ayr Chrs., no. 5; Abdn. Chrs., nos 6, 8.

70. Abdn. Recs., 91-2.

71. Gibb, Glasgow, 32. It has been suggested that the tri-partite open field system of Anglo-Saxon England may have influenced some Scottish burghs, John Romanes, 'The Land System of the Scottish Burgh' in JR, xlvii (1935), 114, 115, 119. See map in Gibb, Glasgow, 27.

72. Peebles Recs., no. 3.

burgesses, with each individual being allocated a certain number of rigs scattered throughout the area. The rigs averaged about 200 metres in length and 5 metres in width, although topographical features could result in wide variation. Four rigs usually made an acre; giving the burgesses of Ayr each 24 rigs pertaining to their burgages. In Elgin in 1351, eight acres of the terra prepositura were stated to be annexed to two pieces of burgage land within the burgh.⁷³ In early times, the system of run-rig was apparently used, the rigs being reallocated at intervals to provide equal access for all to land of different quality. By the fourteenth century, this system had disappeared in many, if not all, burghs, and had been replaced by the permanent ownership of specific rigs.⁷⁴

In Elgin, it appears that the holding of arable land was still connected with the possession of a burgage, but in some other burghs this relationship was no longer in force. This situation is particularly clearly illustrated in the case of Aberdeen. Here the alienation of croft lands as complete properties in themselves strongly resembled the alienation of property within the burgh, with crofts being sold, granted and pledged in the same manner as burgages. Several of those burgesses who were prominent landholders seem to have had an equal interest in the croft territories, John Crab being the prime example. He had considerable holdings in the croft territory of the Danburn to the west of the burgh, amounting to twenty-two pieces of land in 1350, as well as lands in the croft territory of the Gallowgate to the north. The Crabstane,

73. Moray Reg., no. 232.

74. Gibb, Glasgow, 29-31; Glas. Friars, no. 14.

lying west of the Denburn, was probably named after him.⁷⁵

Adam Pingle acquired three crofts at the end of the Gallowgate from his co-burgesses, one of them probably being the "Aedieplinge Croft" shown in P.J. Anderson's conjectural map at the back of Charters and Other Writs of the Royal Burgh of Aberdeen. This croft was mentioned in a document of 1363

which is now no longer extant but which was listed in an inventory of 1617. Adam also had a croft in the Denburn territory.⁷⁶ John Softelaw had two crofts in the Gallowgate and one in the Footdee (Futy) croft territory. That Aberdeen was not unique is shown by a 1348 grant to the Friars Preachers of Ayr by John de Kilmarnock which included 64 acres of land from the burgh territory.⁷⁷ As with the lands within the burgh, many of these lands were rented to other burgesses or burgh inhabitants.

As well as common lands, the fishings which pertained to the burgh might also be leased to individual burgesses, sometimes in shares as small as 1/32 of a net. In 1399 the fishings of Aberdeen included "the Raik", leased at 60½ merks, "Mid Chingle" at 24 merks, "Pot" at 30 merks, "Fords" at 37½ merks and the north water (River Don) which was leased in parts to forty-one men at amounts varying from 13s 9d to 55s for a total of £44. Similarly, mills, if part of the burgh property, could be leased to individuals. In 1398, Aberdeen leased half of a mill to two burgesses.⁷⁸

75. RRS, vi, no. 260. The Crabstane is referred to in 1421, AUL, MS. M.390, Mass 1/13.

76. Aberdeen Friars, 18; AUL, MS. M.390, Mass 16/18.

77. Abdn. Req., ii, 283-4; Ayr Friars, no. 12.

78. Abdn. Recs., 169, 170, 171, 84. These same fishings were leased to individual burgesses until 1551, Munic. Corp. (Scotland), 1835, 14.

The only detailed information on the leasing of burgh property to individuals in this period comes from Aberdeen, but that the practice was commonplace is implied by an article in the Articuli Inquirendi which asked if there had been just setting and return of the common good and account made to the community.⁷⁹ As was appropriate to the money-based economy of the burghs, it was thought that the best way to make use of the lands granted to the community for its common good was to rent them and thus provide a cash income for the burgh. However, the burgesses of the fourteenth century seem to have shown more foresight than their successors who later indulged in the large-scale feuing of the burgh lands. Firstly, they rarely leased the land on other than short-term leases. Three years was the usual length for a lease in Aberdeen, thus anticipating an Act of Parliament nearly one hundred years later in 1491 which laid down that no burgh land was to be let for more than three years.⁸⁰ Secondly, the rights of the burgesses were often safeguarded in such leases. Thus when Aberdeen let the township of Rubislaw which it had acquired in 1379 to William Chalmer for three years in 1399 for an annual rent of £3, a provision was included that the inhabitants of the burgh should continue to have common pasture for their animals there as they had been accustomed.⁸¹

The lands of the burgh territory, if divided among the burgesses, were held as were the burgages within the burgh, and

79. Articuli Inquirendi, c.42.

80. Mackenzie, Burghs, 165.

81. Abdn. Recs., 167.

their burgess holders were equally free to alienate them. The crofts of Aberdeen figure frequently among the property transactions of the burgh, and it is apparent that for some croft-owners at least the crofts had become less important for their agricultural potential than for their value in terms of capital. In some cases, they were even divided and rented to more than one tenant. The land of Laurence de Futy, burgess of Aberdeen, in the Denburn territory, was held of him partly by Thomas de Mar and partly by William Chalmer in 1399.⁸² Those burgesses who had several holdings in the burgh territory could make a sizeable income from renting the lands, although some may also have directly exploited part of their property. A grant to the Friars Preachers of Glasgow by John de Govan included one rig in the field of Broomielaw which yielded 5s rent, three rigs in the field of "le Croupis" for which 30d rent was paid, and also seven rigs in the Broomielaw for which no rent was specified.⁸³ Perhaps John had used these lands himself as there is no tenant named as having held the lands of him. However, whether or not the burgess owners of the lands did exploit them directly, most of the lands would probably be used for agricultural purposes, and in this way the burghs' connection with farming would be continued.

The holding of the common lands by the burgesses meant that the burghal system of land tenure was extended to property outwith

82. AUL, MS. M.390, Mass 1/11.

83. Glas. Friars, no. 14.

the burgh proper. Such was not the case with lands beyond the immediate jurisdiction of the burgh, however, and it was through the steadily increasing possession of such properties that many burghesses became partially integrated into the feudal system of landholding which prevailed outwith the burghs.⁸⁴

As Duncan has pointed out, there was little investment needed in burgh industry during the medieval period and therefore land provided an alternative.⁸⁵ The charters reveal little of the motives for the acquisition of country property, but it is likely that these varied. Financial gain would result from renting portions of the land and/or from selling the produce in a market where the landlord enjoyed several privileges including freedom from tolls.⁸⁶ Land could be used as collateral for business enterprises. It could be exchanged for other lands. If pledged to a creditor, it could provide the interest on a debt. And, on a less business-like note, it provided status, enabling the burgess to mix and marry with landowning families on a basis of equality.

As with the burgh lands there were several ways of acquiring such lands. Royal grants accounted for some acquisitions,⁸⁷ usually being bestowed on fairly prominent men, but perhaps most common were grants by lay lords. The status of these granters

84. This expansion of the town into the countryside by individuals was also a feature of fourteenth-century Flanders, Nicholas, Town and Countryside, 12.

85. Duncan, Scotland, 503. A similar situation existed in England, although by this time the cloth industry in the countryside probably provided opportunities for burgess investors, Carus-Wilson, Medieval Merchant, 79.

86. Such lands were also free from the collective restraints imposed by the burgh on its own agricultural lands, Georges Duby, Rural Economy and Country Life in the Medieval West, tran. Cynthia Postan (London, 1968), 150.

87. For example, A.B. 111., ii, 136n; RMS, i, nos 733, 739, 746.

ranged from powerful national figures to local landowners.

It seems likely though that similar reasons motivated most of them in the alienation of some of their lands. The burgesses had the cash needed for the purchase of luxuries befitting noble status, and the sale of land provided a quick way of obtaining money for a landowner whose rents were paid mostly if not wholly in kind. Not only were the burgesses thus beginning to participate actively in the feudal system, but the lords were being introduced to the cash-based market economy.

The reasons for grants of land were many. Often "service" was cited as the motive, although this applied mainly to royal and church grants. A number of the more prominent burgesses of the kingdom were involved in such services to the crown as the negotiations of David II's ransom, journeys abroad to arrange commercial treaties with Scotland's trading partners, and participation in royal government through fulfilling the duties of various crown officials.⁸⁸ The church also rewarded service with land grants. Scone Abbey gave John Mercer the lands of Kincarrathie for his help at the time of their obtaining of the church of Blairgowrie, while Adam Forrester was granted the land of Fingask by the bishop of Aberdeen for help which was not specified but may have been his aid to the bishop in a dispute with John Fraser, lord of Forglen, over the second tithes of the wardship of the land of Meldrum.⁸⁹

In one case it seems that practical considerations may have dictated this form of reward. Robert I granted Peter de Spalding,

88. See below, pp 269-73.

89. Scone Liber, no. 77; NLS, Adv. MS. 30.5.26, f. 18; Abdn. Req., i, 171.

burgess of Berwick, who had betrayed the town to the king in 1318, the lands of "Ballourthy" and "Petmethy" in the sheriffdom of Forfar,⁹⁰ sufficiently far removed from those burgesses of Berwick who might harbour hard feelings against Peter.

Lands were sometimes granted in exchange for other lands or, in the case of some royal charters, for a previous money grant. Several royal grants of revenues from the burgh fermes were made with the condition that the king would later infeft the holder in lands rendering an income of equal value.⁹¹ Other royal charters involved an actual exchange of lands. In 1319 Robert I granted Elena de Quarantley the lands of "Belston" and "Grunley" in the forest of Mauldslie in Lanarkshire in exchange for her property in the burgh of Lanark.⁹² The grant to Peter de Spalding was made in exchange for all his lands in Berwick.

Among the lay lords, the payment of debts was a common motive for the alienation of lands, whether by sale, grant or pledge. In 1331 Malcolm de Findon, lord of Findon, granted to Nicholas de Lidell, burgess of Aberdeen, his lands of "Athinwyokis" in the sheriffdom of the Mearns in return for a payment of 27 merks sterling. John de Tulch of Aberdeen gained possession of the land of Cults when it was pledged to him by William of Meldrum.⁹³ Land might also be leased for a certain number of years. Alexander Abercromby of Murthlie leased certain lands to John Mercer for eight years for £40.⁹⁴ Pledges could result in life-long possession.

90. Chron. Lanercost, 234-5; Fraser, Southesk, ii, no. 31.

91. RMS, i, nos 646, 648.

92. Ibid, i, no. 76.

93. SRO, GD52/395; RRS, vi, no. 8; SRO, GD52/395.

94. Chron. Perth, 1.

In 1375 John McKelly pledged the lands of Echline in the sheriffdom of Edinburgh to John de Cairns, burgess of Linlithgow, to hold until McKelly paid £80. The land was still held by the Cairns family in the 1420s.⁹⁵ Unfortunately, the records for most pledged lands are not very complete so it is impossible to determine how often they were redeemed but it seems likely that some of the grants of lands may have been the result of earlier pledges.

Marriage was another avenue to the acquisition of lands and by the fourteenth century it seems that burgess status, especially if it was accompanied by wealth, was no barrier to intermarriage with the daughters of the landowning class. Of marriage between landowners' sons and the daughters of burgesses there is less evidence, but this need not necessarily indicate that such alliances were rare, as the burgh origin of the wife would not usually be recorded in the documents in which she might appear, unless they related specifically to burgh lands in her possession. A grant by Robert III in 1392 to William Dubrelle of all the lands which Elena Tollare had held in the burgh of Inverkeithing before she married William⁹⁶ implies a burgh origin for Elena. In other cases, the financial contribution brought to the marriage by the daughter of a burgess might be in the form of money rather than land, with the result that her consent would not be required for the alienation of property and that therefore her existence would be unlikely to be recorded.

Burgesses marrying into landowning families might acquire land

95. NLS, Adv. MS.80.4.15, f.82.

96. RMS, i, no. 846.

through it being granted as a marriage portion by the bride's father or through the wife being an heiress to her father's lands. Adam Pingle of Aberdeen married Marjorie Blackwater and as a result gained joint possession with his wife of the lands of "Knock and Gelestan" in the sheriffdom of Kincardine. John Mercer apparently married into the family of Tullibardine and by 1352 he had acquired the lands which the earl of Sutherland had granted to the late Sir William Murray of Tullibardine. William de Spens, burgess of Perth, married Isabel Campbell, daughter of Duncan Campbell and heiress to the lands of Drummond, Bohapple, Glendouglas and Tarbert. On a smaller scale was the acquisition of a third of a carrucate in the town of Upper Lamberton by Adam de Melville, burgess of Linlithgow, when he married Elizabeth, one of three daughters of Henry del Orchard.⁹⁷

Lands outwith the burgh could also be acquired from other burgesses. Adam de Melville of Linlithgow sold the land in Upper Lamberton to John de Raynton, burgess of Berwick, in 1332. In the 1390s Thomas Kymbdy of Aberdeen was granted land of "Athquhorthy" in the lordship of Findon by his co-burgess William de Chalmer.⁹⁸ Grants of such lands from father to son were also common. William Chalmer granted the lands of Methlick to his son Thomas in 1400, while John Crab granted his son Paul the land of Kincorth which had been pledged to John by the abbot of Arbroath.⁹⁹ In both cases, the recipient was apparently a younger son and therefore a specific grant to him was necessary if his elder

97. A.B. Ill., iii, 73-4; Fraser, Sutherland, iii, no. 16; RMS, ii, no. 187; SRO, GD52/1031. Mercer is said to have married Ada Murray, daughter of Sir William Murray of Tullibardine, Robert Scott Fittis, The Mercers of Innerpeffray and Inchbreakie from 1400 to 1513 (Perth, 1877), 1. For the Spens marriage, see David Sellar, 'Spens Family Heraldry' in Notes and Queries of Society for West Highland and Island Historical Research, no. xxii (Dec. 1983).

98. SRO, GD52/1031; A.B. Coll., 272

99. SRO, GD33/36/3; Abdn. Reg., ii, 286-7.

brother was not to inherit the property.

The tenure by which these lands were held was usually feudal and the grants show many characteristics of feudalism. Adam Pingle held the lands of "Knock and Gelestan" for services including three headcourt suits while John de Raynton, son of John de Raynton, burgess of Berwick, held the lands of Billie in Berwickshire for the payment of a rose upon the feast of St. James the Apostle and 8s sterling to the lord of Bonkle with ward and customary suits of court at Bonkle.¹⁰⁰ Even when land passed to a burgess in the form of a pledge which might mean that he enjoyed only temporary possession, services such as suit of court might be required. John de Cairns was to hold the land pledged to him by John McKelly in chief of John de Dundas, lord of Dundas, rendering service and suit of court until McKelly repaid the money.¹⁰¹

Many of the lands were granted in blenche-ferme with the reddendo being only 1d if asked. In 1359, Thomas, earl of Mar, granted William de Leith of Aberdeen the lands of Rothens, "Harebogge" and "Blakeboggys" in the regality of Garioch for 1d in blenche-ferme, while in 1351 John Crab was granted by Adam de Gardropa, lord of Rubislaw, all the lands in his lordship of Denburn for one pair of white Parisian gloves or 2d silver.¹⁰²

Blenche-ferme grants seem usually to have been made to the more prominent burgesses of the period. Others might be expected to render various services due to the feudal superior.

100. A.B. Ill., ii, 73-4; HMC, Milne Home, 222(2).

101. NLS, Adv. MS. 80.4.15, f.82.

102. RRS, vi, no. 224; AUL, MS. M.390, Mass 10/27.

Peter de Spalding was responsible for the portion of knight service due from the lands granted to him by Robert I, while John de Raynton the son was to render homage and other customary services to Thomas, earl of Angus, for the lands of Billie. Walter de Aberdalgy, burgess of Ayr, who was granted lands both within and outwith the burgh of Ayr by Robert I, rendered both burgh ferme and the customary services pertaining to the non-burghal lands.¹⁰³

Forinsec service to the king was a responsibility specified in several grants, and was combined with various types of tenure. Duncan Kimbdy, burgess of Aberdeen, was granted lands in feu-ferme, saving forinsec service to the king, circa 1317, while William Pilch, burgess of Inverness, who was granted lands in Inveralyne in blenche-ferme, also rendered forinsec service. Nicholas de Lidell of Aberdeen held his lands in Findon for 15s annually and forsinec service.¹⁰⁴

Some lands were held for what appears to be an economic rent. John Mercer rendered 53s 4d to Scone Abbey for the land of Kincarrathie, although he had ten years in which to build on the land before paying rent. William Chalmer paid ten merks per year for the barony of Murtle granted to him by the bishop of Aberdeen in 1388, while Patrick Forrester, burgess of Dundee, paid 40s for his lands in Fife.¹⁰⁵

Economic rents were especially common in one situation - when the grant of land was made by the community of a burgh. As with their urban lands, a number of burgesses made grants of a country

103. Fraser, Southesk, ii, no. 31: HMC, Milne Home, 272(1); RMS, i, no. 43.

104. Fraser, Fraser of Philorth, no. 2; Fraser, Grant, iii, no. 15; RRS, vi, no. 8.

105. Scone Liber, no. 77; Abdn. Reg., i, 183; RMS, i, no. 834.

property to an altar of the burgh church. Responsibility for maintaining the grant generally passed to the burgh after the granter's death. The most effective way for the burgh to carry out the wishes of the granter was to grant the land to another burghess in return for an annual rent which would then be applied to the altar. A clear example of this occurred in Edinburgh in the 1360s and 1370s. John de Allincrum, burghess of Edinburgh, granted his lands of Craigcrook to the altar of the Virgin Mary in St. Giles. In 1377, the community of the burgh granted Craigcrook to Patrick and John Leiper, burghesses of Edinburgh, in return for an annual payment of £6 6s 4d to the community, to be used to maintain the altar.¹⁰⁶

As well as responsibilities, various privileges might accompany the land grants. William Chalmer was granted lands in the sheriffdom of Forfar by Hugh Fraser, lord of Kinneil, circa 1390, with his heirs being allowed successively to have free entry without licence on payment of 20s. John Mercer was given the right to grind his corn freely at the mill of Kincarrathie.¹⁰⁷

Lack of evidence makes it difficult to determine what effect the ownership of country property had on the burghesses' place of residence as there are few references to burghesses actually inhabiting specific lands. However, it seems quite likely that many continued to live in the burgh. Certainly, several of the early charters to the burghs laid stress on residence in the burgh as a pre-requisite for the enjoyment of burghess privileges.¹⁰⁸ In

106. St Giles Reg., nos 8, 14.

107. Fraser, Southesk, ii, no. 47; Scone Liber, no. 77.

108. Lanark Recs., no. 2; RRS, ii, no. 475; Duncan, Scotland, 480.

most cases, the lands acquired were fairly close to the burgh in which the new owner held his burgage, and could probably be reached fairly easily when necessary. This was very notable in Edinburgh where many of the country properties held by the burgesses are now included within the modern boundary of the city. Men such as William Chalmer in Aberdeen and John Gill in Perth continued to be active in burgh life even after the acquisition of several rural properties and their frequent presence in the records suggests that they perhaps continued to live in the burgh. Roger Hogg of Edinburgh had a number of lands outwith the burgh, but, according to a charter of 1363, inhabited a tenement in Edinburgh.¹⁰⁹

Not all burgesses did live in the burghs by the fourteenth century, however. Some may have divided their time between their country estates and the burgh, while the fact that some preferred their country lands is suggested by a 1317 list of Aberdeen burgesses rure manentes.¹¹⁰ There are thirty-seven names, a number which probably represented a sizeable proportion of the burgh population. However, this may have been an exceptionally large number because of the troubled times through which the kingdom and burgh had passed, and as peace returned, and with it the likelihood that the burgh would not be attacked, many burgesses may have returned to take up residence in the burgh. Thirteen of the names are scored through, and it may be that these were men who had returned, although the lack of burgh records until 1398 means

109. RMS, i, no. 164.

110. Abdn. Recs., 15-16.

that this cannot be ascertained. It is possible also that they went elsewhere, that they forfeited their burgh privileges in some way, or that they had died. In some other burghs the residence requirement seems to have been less strictly observed as in 1359 two burgesses of Dundee who were described as extramanencium apparently did not even have any possessions in the burgh.¹¹¹ Perhaps here were the first traces of the development of a burgh status based entirely on the payment of a fee rather than on the holding of a burgage. If so, the problems which could arise from this situation also made themselves felt at an early stage, for the debts of these two men could not be recovered as they had no possessions within the burgh or within the sheriffdom.

The problems of non-residence, however, seem to have become more prominent in the fifteenth century, especially with the increase of the practice of creating honorary burgesses. It seems that most burgesses who held country lands in the fourteenth century were able to combine the two roles of burghess and feudal landholder. Even men such as Adam Forrester whose properties were to be found widely scattered over the sheriffdoms of Edinburgh, Perth and Forfar, still devoted time to burgh affairs. This ability to reconcile landholding within and outwith the burgh had important ramifications, for by bringing country properties under the control of men used to a commercially-based economy, it had the dual effect of introducing burgh ways to the country and the ways of the country to the burgh. Through the landholding of the burgesses, the burgh and the rest of the kingdom were brought even closer.

111. ER, i, 593.

CHAPTER FOUR

TRADE

At the heart of the Scottish medieval burgh stood the market-cross, symbolising the king's peace which protected the trade of the town. Here was the place where the activity crucial to the existence of the burgh was carried on. Nor was the importance of the market confined to those living within the burgh, for it served as "the focus of attention for indwellers and outsiders alike".¹ The burgh market provided a link which joined the burgh to the surrounding countryside, and, in many burghs, gave the population a role in the international trade of the kingdom.

Due to the nature of the surviving records, most of which are concerned with the royal revenues rather than the details of burgh life, more evidence exists for the international trade which provided customs revenue for the king, than for the local trade which played an important role in the lives of the burgh inhabitants. Furthermore, by the time burgh accounts begin to appear in the Exchequer records, several of the burghs had leased their fermes from the chamberlain and therefore recorded only the amount of the lease. Even those burghs which accounted for a different amount each year usually recorded only the total from burgage rents, court fees, petty

1. Barrow, Kingship and Unity, 95. That trade was regarded as a central activity is implied by the Regiam Majestatem which stated that a burgess's heir was of age when he could number silver or measure cloth with an ell-wand, Regiam Majestatem in Ancient Burgh Laws, c.35. The importance of trade to the burgh was recognized by at least one fourteenth-century writer, Bateson, 'Scottish King's Household', 14.

customs, and all other sources of revenue, so that the amount contributed by market tolls cannot be determined.² The lack of evidence, however, does not necessarily imply a lack of local trade. For the inland burghs especially it must have been the case as for their English counterparts that "what provided the basis of most towns' livelihood was not the cake of overseas commerce but the bread and butter of distribution and marketing for the surrounding region".³

The charters granted to various burghs reveal something of the nature of this local trade. Most of the early charters are largely concerned with commercial matters, granting privileges to stimulate the growth of trade in the burgh. Royal policy from the time of David I was to make the burghs the commercial centres of the country and this was done by restricting the establishment of markets to the burghs. The importance attached to the market by the burgesses was shown in the years 1303-1307 when the royal burghs petitioned Edward I, who ruled the country at that time, not to allow markets to be held anywhere except in the burghs.⁴

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2. ER, i, 59, 61, 62, 65. There are a few exceptions. In 1342, Perth's petty customs amounted to just under £3, ER, i, 484. In the 1380s, Dumbarton was able to pay a £2 pension from its petty customs, ER, iii, 19, 61, 74. In 1399, Aberdeen leased its petty customs for £14 6s 8d, Abdn. Recs., 191.
 3. Reynolds, English Towns, 59. For the importance of regional trade to one such burgh, see Simpson, Forfar, 1-2, 5, 20. Inland burghs also benefited from those from coastal burghs bringing fish and salt, Donaldson, Shaping of a Nation, 202.
 4. Grant, Economic Dev., 368. In England, markets were not restricted to boroughs. In Scotland, Brechin was the only non-burghal market for much of the fourteenth century and it had to struggle to maintain its privileges, RRS, vi, nos 120, 334, 369; Brech. Req., i, nos 5, 16. See also David Boath Thoms, The Council of Brechin: A Study in Local Government (Brechin, 1977), 5-8. Langton was given market privileges in 1394, George Pryde, The Burghs of Scotland: a critical list (London, 1965), 47.

Many of the burgh charters granted by the Scottish kings gave the burgh a monopoly on trade and cloth manufacture in a certain area, known as the burgh's "liberty". Unlike their counterparts in England and the Continent, the Scottish burghs continued to enjoy these monopolies throughout the later Middle Ages.⁵ These liberties could be very large, sometimes corresponding to the sheriffdom of which a burgh was the caput.⁶ Foreign merchants could only buy the produce of these areas from the burgesses in the appropriate burgh, and those living in the liberty who had goods to sell had first to present them at the burgh market. In 1363 David II gave the burgesses of Inverkeithing the power to enforce their trading monopoly by granting them the right to arrest anyone trading in the burgh liberty to their prejudice, and in 1397 a similar right was confirmed to the burgesses of Perth by Robert III. The records of Aberdeen show the vigilance of the burgesses there in protecting their trading monopoly in the late fourteenth century.⁷

The concentration of trade in the burghs had several advantages for the burgesses. It probably made trade more secure by causing the sellers to bring their goods to what was usually the most settled place in the area. It ensured the supply of food and fuel in which many burghs were not self-sufficient, and at prices which were under the burgesses' control. The rural people coming to the burgh also provided a market for

5. Ballard, 'Theory of the Burgh', 23.

6. For example, Perth and Inverness, Theodora Keith, 'The Trading Privileges of the Royal Burghs of Scotland' in The English Historical Review, xxviii (1913), 455. For a conjectural map of the trading liberties, see Houston, 'The Scottish Burgh', 116.

7. RRS, vi, no 305; SL, B59/23/6; Abdn. Recs., 180-9.

urban manufactures and goods imported by the merchants. The petty customs charged on goods bought and sold contributed to the burgh revenues which increasingly came under the control of the burgesses,⁸ while the provision in many charters that all those living and trading in the burgh should pay aids along with the burgesses meant that the financial burdens imposed on the burgesses were lessened.⁹

The system of burgh liberties which had virtually disappeared in England in the thirteenth century was reinforced in Scotland in 1364 by a charter of David II to the burgesses which confirmed their right to freely buy and sell in their own liberties, but stipulated that they must obtain licences to trade in the liberties of other burghs.¹⁰ In some cases as in that of Forfar and Montrose in 1372 this led to two burghs granting each other reciprocal trading rights, but occasionally disputes erupted as different burghs attempted to assert conflicting privileges over the same area.¹¹ The establishment of new burghs in the liberties of older burghs was the usual cause of the conflict.

Within the burgh itself, the market was supervised by the burgesses, although in some burghs a certain amount of control was also exercised by the burgh superior. The abbot of Kelso claimed the right to appoint stall-holders and grant licences for

8. Keith, 'Trading Privileges', 457. With the granting of feu-farme charters to the burghs, the petty customs came under the burgesses' control. By the sixteenth century, the revenue from this source in some burghs was becoming comparable to that of the customs, Ayr Accts., xlii.

9. For example, Dundee, DA, TC/CC 17. According to the burgh laws, widows who traded along with burgesses were liable to pay aids, Leges Burgorum, c.104.

10. RCRB, 538. Pryde sees this grant as completing the evolution of the burghs' market monopoly, Pryde, 'Origin of Burgh', 274.

11. But see below, pp 307-8.

brewing.¹² In Aberdeen, however, the burgesses were in control, proclaiming the regulations, enforcing them and punishing those who infringed them. The picture given of the local market in the burgh laws is largely reinforced by the late fourteenth-century records of Aberdeen.

As the market was the primary source of supplies for the burgh inhabitants, it was important that all goods be brought there and displayed openly so that all might have the chance to buy what they needed. Forestallers who bought goods before they reached the market and regraters who purchased goods before the burgesses had been served solely in order to resell them were punished as acting against the interests of the community. Such restrictions were irksome to many and the Aberdeen records are full of references to those guilty of these practices. Rural tanners were particularly prone to buying hides before they had been brought to the Aberdeen market. Fish was also often bought outside the burgh.¹³

Private sales were discouraged by regulations meant to ensure that all might have an equal opportunity to buy the goods brought for sale. All goods brought by ship, except salt and herring, were to be sold on land. In 1399 the master of a ship at Aberdeen was accused of selling apples and pears in his ship. Goods were to be displayed openly on market stalls or, if in stores, at the windows. These rules were broken frequently by Aberdeen residents who sold both flour and malt in their homes.

12. Kel. Lib., i, no. 459.

13. Leges Burgorum, c.66, 72, 73; Statuta Gilde, c.32, 33; Abdn. Recs., 29, 180-9, 222-4, 58, 61, 212; Sir James D. Marwick, 'On Forestalling, Regrating and Engrossing - Three Forms of Trading Prohibited in the Burghal Laws' in PSAS, xxxvii (1902-03), 145-8.

As many of those convicted did not apparently enjoy burgess status, they were probably attempting to avoid the payment of market tolls and stallage fees from which the burgesses were exempt.¹⁴

On market day, the street was lined with the stalls and booths of those who had come to sell their goods. Strangers paid $\frac{1}{4}$ d toll to the bailies for an uncovered booth and $\frac{1}{2}$ d for a covered booth. In Aberdeen the stallage fees went to pay the sergeants for their services in 1399.¹⁵ There is no evidence of the holding of separate markets in different areas of the burghs for the sale of specific commodities, although this was a common practice in later centuries and may have been a feature of some of the larger burghs of the 1300s.

In keeping with the policy of promoting the interests of the burgesses, the administrators of the burgh controlled the price and quality of common foodstuffs. A price was set for each commodity and all were expected to sell at this price. In Aberdeen from 1398, and probably much earlier, the price of a boll of corn and a boll of malt was announced periodically in the curia legalis. From 1398 to 1400 the price of corn ranged from 3s to 4s, that of malt from 2s 8d to 4s. Fleshers and bakers were both fined for selling their goods at other than the stipulated price. Ale-tasters checked the quality of the brewsters' ale, while bakers were to bake bread according to the dictates of the ruling burgesses. Strict

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14. Leges Burgorum, c.9, 65; Abdn. Recs., 72, 79, 80, 118. In February 1400, Gilbert de Kinross was charged with selling malt and flour in his house without presenting it at the cross, and with detaining the petty customs owed on the goods, Ibid, 126.
15. Leges Burgorum, c.37; Abdn. Recs., 83. In an Aberdeen list of booth and stall fees, the payments range from 12d to 40d, the most common amounts being 12d and 24d. Perhaps these represent a year's total of fees, at four payments per month, Abdn. Recs., 87-91.

control was also kept over weights and measures, a woman being fined in 1399 for selling flour in unsealed measures, and five men later the same year for selling wine in insufficient pints.¹⁶

Goods which were brought to the Aberdeen market from the hinterland included corn, barley, fish, cows, malt and flour, as well as the staple goods of wool, woolfells and hides. Some idea of the products sold in other burghs can be gained from the records of purchases for the royal household. Among the commonest items were herrings and haddock from Ayr, eels from Forfar, herrings and Isle of May rabbits from Crail, and salmon from Perth. For David II's coronation the burgesses of Perth supplied swine, a boar and five dozen lampreys, while in 1342 large supplies of fish were sent from Crail to the king at Scone, Lindores, Inverkeithing and Cupar. In 1379 salmon were bought for Robert II at Inverness and Banff.¹⁷

Supplementing the weekly trade of the burghs were annual fairs, usually lasting one or two weeks and attracting traders from a much wider area of the country. Unlike most English fairs, the Scottish fairs were under burghal jurisdiction and steps were taken to suppress any competing ones which might harm burgh trade. In 1352 fairs were prohibited anywhere within the bounds of Montrose and also at Coupar Angus or anywhere else prejudicial to Dundee, while in 1368 the holding of a fair at Newbattle was forbidden as being damaging to the

16. Abdn. Recs., 27, 35, 26, 42, 68, 116, 137, 41, 115.

17. Ibid., 41, 58, 76, 127, 141; ER, i, xcv, cxxxviii, clx, 521; ER, ii, 598, 599. Fish could come from the burgh's fishings as well as the hinterland, ER, ii, 485-6.

burghesses of Edinburgh.¹⁸ For inland and western burghs, the fairs probably represented the main occasion on which foreign traders would bring their wares to the local market. At these times the normal trading restrictions of the burgh were suspended and special courts were set up to dispense speedy justice. Local rural produce could be sold to anyone, the exclusive rights of the burghesses being relaxed. Those burghs which had fairs in the fourteenth century included Aberdeen, Dundee, Perth, Whithorn and Roxburgh, while among those where fairs were established before 1300 and probably continued to be held were Auchterarder, Dumbarton, Glasgow and Renfrew.¹⁹

Among the visitors to these fairs would probably be burghesses of other burghs. Many of them were exempted by charter from tolls throughout the kingdom²⁰ and were thus encouraged to travel freely either overland or along the coast in their ships.²¹ At the different burghs they would find both a market for their own goods and a further source of supply of products for the export trade.

If it was the encouragement of inland trade for which the burghs were first responsible, their influence was soon to expand

18. William Cunningham, 'Differences of Economic Development in England and Scotland' in SHR, xiii (1916), 170; RRS, vi, nos 120, 121; Edin. Chrs., no. 8. The holding of fairs at religious centres reflects a common English practice by which abbeys disposed of surplus commodities, R.A. Donkin, 'The markets and fairs of medieval Cistercian monasteries in England and Wales' in Cistercienserchronik, No 59/60 (July, 1962), 6, 8.

19. Duncan, Scotland, 472, 512; Leges Burgorum, c.87, 88; Sir James O. Marwick, List of Markets and Fairs (Glasgow, 1890), 11, 13-15.

20. This exemption from tolls was not enjoyed by the merchants of France, David B. Morris, The Development of Burghal Administration in Scotland (Edinburgh, 1917), 4.

21. Poor roads meant that there was much coastal trade, Grant, Economic Dev., 118.

beyond Scotland's borders. Trade with England had probably always existed to a certain extent, but the development of the weaving towns of the Low Countries²² opened up a new market for the wool, which along with woolfells and hides, became Scotland's major export.

The history of international trade in fourteenth-century Scotland suffers from a scarcity of sources which has made most historians take a quick look at the surviving diplomatic records and sometimes an even more cursory glance at the customs accounts, and then pass on to the fifteenth century. However, other sources of evidence do exist. The series of English safe-conducts to Scottish merchants, diplomatic correspondence between Scotland's various trading partners, reports of the wrecks and arrests of ships carrying Scottish merchants and/or their goods, prohibitions against smuggling, and archaeological finds, can all provide information about the nature of Scottish trade. Until the 1940s, historians of Scottish commerce tended to concentrate almost entirely on diplomatic correspondence with Scotland,²³ and as very little of this evidence survives for the fourteenth century only a very sketchy picture could be drawn. However, as

22. Flanders and the other Low Countries also developed large international hinterlands from the eleventh century, Henry Stephen Lucas, The Low Countries and the Hundred Years' War, 1326-1347 (Ann Arbor, 1929), 1.

23. James Yair, An Account of the Scotch Trade in the Netherlands (London, 1776), 6-35; John Davidson and Alexander Gray, The Scottish Staple at Veere (London, 1909), 2-12, 49-52, 113-20; Thomas Fischer, The Scots in Germany (Edinburgh, 1902), 3-10; Rooseboom, Staple, 1-13. Grant apparently confuses Flanders and Zealand and thus wrongly interprets the events of 1347, seeing the expulsion of Flemings from Scotland as the result of the seizure of Scottish goods in Middelburgh twenty years earlier, I.F. Grant, Economic Dev., 331.

James Dilley has shown, if diplomatic correspondence concerning Scotland is also considered, much more detail emerges. William Stanford Reid, in his study of the role of traders in the Wars of Independence, demonstrates the use to which the English public records can be put. Unfortunately for the history of the fourteenth century as a whole, both historians are only concerned with the first thirty years. Ranald Nicholson makes mention in passing of the shipwrecks and safe-conducts for the later period, but it is only recently that these have been used. In 1982 a thesis on Scotland's trade with the Low Countries in the later Middle Ages was completed, but as yet no complete picture of Scottish trade in the fourteenth century has appeared.²⁴ It is therefore necessary to give a chronological sketch of the commerce of the period before going on to examine the activities of the merchants themselves.

The proximity of Flanders, its requirements for wool, and the presence of apparently large numbers of Flemings in Scotland from the earliest years of the burghs, suggest that Continental trading contacts were probably first established with that country. In the late twelfth century, the count of Flanders granted the monks of Melrose free passage through his country. As Melrose was one of the earliest large-scale wool-producers in Scotland, it seems likely that this grant was made to encourage commercial interaction.²⁵ Another attraction of Flanders was its increasingly important commercial centre of Bruges which developed

24. James Dilley, 'The German Merchants and Scotland, 1295-1327', unpublished Ph.D. (UCLA, 1946); Dilley, 'German Merchants in Scotland'; Dilley, 'Scottish-German Diplomacy, 1297-1327' in SHR, xxxvi (1957); Reid, 'Traders'; Nicholson, Scotland, 154, 167; Stevenson, 'Low Countries'.

25. Melr. Lib., i, no. 14; Davidson, Staple, 7. William I allowed the monks of Holm Cultram to take their wool and merchandise for sale to any burgh they wished, RRS, ii, no. 87.

into the major entrepôt for trade between Northern Europe and the Mediterranean countries. Bruges became a favourite destination for the Scottish merchants as is shown by the existence of an area in the city known as the Schottandyc which was well-established before 1280.²⁶

Evidence of Scottish trade for much of the thirteenth century is largely confined to scattered references to Scottish merchants, but these show the international nature of their enterprises. Philip de Rydale of Berwick was involved in trade with Dieppe in 1276 and with England in 1293, while Lucas the Scot and his son Richard were prominent merchants of Dunwich. There was a Scottish trading company in Piacenza in 1279. By the late thirteenth century, Scottish wool was a familiar enough product in St. Omer to be differentiated according to port of origin, that from Perth being considered the best, followed by the wool of Aberdeen, Berwick and Montrose.²⁷

How much of the foreign trade was carried on by Scottish merchants going overseas as distinct from foreign merchants coming to Scotland is not clear.²⁸ That Scotland was capable of building her own ships is shown by the order of the count of St. Pol for a vessel constructed at Inverness in 1249. Scottish merchants seem to have been making use of these ships, as Bower reports that Alexander III was worried enough about the loss of

26. Stevenson, 'Low Countries', 16-17.

27. CDS, ii, nos 76, 698; Dilley, 'German Merchants', 3-6, 9; Norman S.B. Gras, The Early English Customs System (Cambridge, Mass., 1918), 241; Stevenson, 'Low Countries', 20.

28. It has been suggested that, in late thirteenth-century England, only about one-third of the wool trade was handled by native merchants, Carus-Wilson, Medieval Merchant, xxi, although this picture has since been questioned, Reynolds, English Towns, 76-7. Opportunities for Scottish merchants in Flanders may have increased as more Flemish townsmen began to leave international trade to stranger merchants, Prevenier, 'La Bourgeoisie', 409.

ships through piracy, wreck and detention to forbid Scottish merchants from exporting goods.²⁹ Such an act, if effectively enforced, must have limited the scope for native overseas enterprise, while at the same time forcing foreign merchants to come to Scotland to obtain Scottish products. That they were willing to do so is shown by the presence of the Redhall, a Flemish factory, in Berwick before 1296, as well as the Whitehall, apparently a factory for merchants from Cologne.³⁰ A story of an attempt by a group of Lombards to set up a trading post at Cramond or Queensferry, whether true or not,³¹ suggests that Scotland was recognised as being in the late thirteenth century a fruitful place for the trading activities of foreign merchants.

It does not seem, however, that Scottish merchants were for long deterred from going overseas, and this was recognised in the 1266 treaty with Norway which included provisions to protect the merchants of either country if they were wrecked on each other's shores. The wedding treaty of 1281 strengthened ties with Norway and was probably of much benefit to the merchants of both countries. In Flanders, Scottish merchants were active enough that when their goods were arrested in 1292 for an overdue debt of the Scottish crown, the value of the merchandise amounted to almost £1500.³²

29. Chron. Bower, ii, 130. Similar action was taken for the same reasons by the English king in 1352, T.H. Lloyd, The Wool Trade (Cambridge, 1977), 205-7.

30. Chron. Guisborough, 275. The Whitehall is referred to in a Berwick land grant of 1334, CDS, iii, no 1128. Dilley thinks it was probably modelled on the German factories in Norway, Dilley, 'German Merchants in Scotland', 153-4.

31. Duncan questions the truth of this story, Duncan, Scotland, 516.

32. APS, i, 421-4; Stevenson, Documents, i, no 248.

The last decade of the thirteenth century saw severe disruption to the development of Scottish international trade. Edward I's interference in the country's affairs from 1292 led to the outbreak of war in 1296 and had a serious effect on Scotland's commercial intercourse with the Continental countries as well as effectively ending trade with England.³³ That the war had virtually halted trade with Germany is shown by the "Wallace letter", sent by William Wallace and Andrew Moray on 11 October 1297, to the cities of Lübeck and Hamburg, which granted the merchants of those cities freedom to trade in a Scotland which was now safe from the English. The naming of two Scottish merchants suggests that they were appointed to negotiate the exact nature of the privileges to be granted,³⁴ and implies that Scotland's merchants were influential enough to be granted a voice in the control of commercial affairs.

By the beginning of the fourteenth century, then, both political and economic considerations had led to a shift in the focus of Scottish trade away from England and increasingly towards the Continent. There was little demand for Scottish wool in an England which herself derived her largest revenues from the export of wool. Scotland's staple exports found their

33. Cosmo Innes exaggerates, however, when he says that the wars ended Anglo-Scottish trade "for centuries", Cosmo Innes, ed. Ledger of Andrew Halyburton 1492-1503 (Edinburgh, 1867), liii. For thirteenth-century Anglo-Scottish trade see R.W. Cochran Patrick, Mediaeval Scotland (Glasgow, 1892), 109-13.

34. Fischer, Germany, 237. A letter written earlier the same year refers to Lübeck merchants who owed £80 customs on exports from Dundee, implying that German trade with Scotland had been well-established for some time, G.W.S. Barrow, Robert Bruce and the Community of the Realm of Scotland, 2nd ed. (Edinburgh, 1976), 14-15.

best market in Flanders, but trade also continued with the German cities and the other countries of northern Europe, despite the various disruptions caused by warfare. Indeed, it has been suggested that the Germans regarded the Scottish trade as profitable enough for them to risk the loss of their privileges in England, although they usually managed to tread a fine line and enjoy the benefits of trade with both countries.³⁵

Despite changes in official policy towards the Scots, depending on whether the king of France, the count of Flanders or the Flemish cities had control of the government of Flanders, the Scottish trade carried on by the Flemish merchants seems to have continued almost without interruption, although the form of this trade underwent a change. Because of the war with England the profits to be made from trade with Scotland did not consist merely in the export of wool and the import of manufactured goods. The war presented great opportunities for piracy, an activity in which it was not at all uncommon for the medieval merchant to engage. The Flemings and the Germans especially seem to have been active in seizing English ships and then selling the goods, probably at inflated prices, to a Scotland which greatly needed such supplies to carry on the war effort.³⁶ Those goods which were not sold in Scotland could be taken back to the countries of the pirates to be sold there.

The scale of this pirate activity can be seen in the diplomatic correspondence between England and Flanders. The frequent attacks

35. Dilley, 'Scottish-German Diplomacy', 81. This is one of the main themes of Dilley's thesis.

36. Reid, 'Traders', 215-17, 219-20.

on English shipping and the carrying of supplies to the Scots prompted letters from the English kings to the count of Flanders throughout the period 1305-1309,³⁷ showing that the Flemish involvement in the Scottish trade was not confined only to the period when Bruce was firmly in command. T.H. Lloyd suggests that the Flemish-Scottish trade had increased from 1303 due to Flanders' estrangement with England because of the latter's refusal to give aid in the war against France.³⁸

In the spring of 1305, Edward I offered a general safe-conduct to Flemings wishing to trade in Scotland, thus implying that Scotland was part of England and that there was no need to trade with the "Scottish rebels". The count replied diplomatically that he had no wish to abet England's enemies and had prohibited his subjects from giving aid to the Scots, but as his country was dependent on the sea he had to welcome all traders and so could not deny access to legitimate Scottish merchants. He asked Edward to reissue the trading grant with an allowance for Scottish trade.³⁹ This type of reply to English complaints was to become a typical one during the next two decades.

Attacks on English shipping by Germans, Flemings and Scots continued, with the activities of John Crabbe⁴⁰ being particularly

37. Foedera (H), I, iv, 39-40, 177; CDS, iii, no 252; Foedera (H), II, i, 35-6, 70-3.

38. Lloyd, Wool Trade, 103.

39. Foedera, i, 972.

40. For John Crabbe, see H.S. Lucas, 'John Crabbe, Flemish Pirate, Merchant, and Adventurer' in Speculum, xx (1945); E.W.M. Balfour-Melville, 'Two John Crabbs' in SHR, xxxix (1960).

notorious. Relations between Flanders and England worsened and in 1313 the first compulsory English staple was established at St. Omer rather than Bruges because it was too dangerous for English merchants to go to Flanders. Failure to have the staple moved to Bruges in 1314 encouraged the count to become more involved in the Scottish trade, while the restrictions of the staple may also have led others to participate in the less restrictive commerce with Scotland.⁴¹

In 1315 Edward II tried a conciliatory approach by offering to the merchants of Ypres and Bruges a safe-conduct to trade in England as long as they did not supply the Scots, but the discovery of thirteen Scottish ships at Sluis soon ended these overtures of friendship. By September the breach was open and Edward ordered his fleet to do all possible damage to Flemish shipping. A few years later, however, in 1318, relations had improved to the extent that Edward ordered the release of a Flemish ship, at the count's request, despite the fact that letters of cocket on board showed clear proof that the merchants had been trading with the Scots. By November, Edward was even considering the establishment of the staple in Flanders.⁴²

Flemish aid to the Scots continued, however, and in March 1319, Edward sent letters to the count, the duke of Brabant, and several Flemish cities to ask them to stop trading with the Scots. Only the duke of Brabant complied. Mechelen, Bruges and Ypres made a similar reply to that of the count in 1305, and the count

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41. Lloyd, Wool Trade, 106; Dilley, 'German Merchants', 195-6. W. Stanford Reid suggests that the 1313 Staple Ordinance may have been intended to put pressure on Flanders to stop trading with the Scots, W. Stanford Reid, 'The Scots and the Staple Ordinance of 1313' in Speculum, xxxiv (1959), but Lloyd questions this interpretation, Lloyd, Wool Trade, 103.
42. CPR, 1313-17, 263; Foedera, ii, 265; Foedera, ii, 278; Smit, i, no 267; Foedera, ii, 378.

himself echoed their letters on 17 May 1319, when he told Edward that Flanders was open to all comers and that he could neither deny entrance to the Scots nor prevent his subjects from going to Scotland.⁴³

Holland was also involved in the Scottish trade.⁴⁴ An alliance with England ended in 1297 and piracy and retaliation marked Anglo-Dutch relations until 1307, when Edward II suggested meetings to settle the claims of both sides. The count of Holland construed this as a sign of weakness and took no action on damage claims. In 1310 the count's men gave help to the Scots in the siege of the castle of Dundee, and in 1312 Edward charged that the aid given by the count to the Scots over the previous two years had involved 80 ships and 4000 men. However, the English king allowed Anglo-Dutch trade to continue and a trade agreement of 1317 was used by many Dutch merchants to take their ships into English ports and load them with supplies to take to the Scots. In this trade, they probably had the collusion of a large number of English merchants. Edward seemed to be especially suspicious of the merchants of Lynn.⁴⁵

German trade with the Scots and help in the struggle against the English brought a complaint from Edward II in 1309 and arrests of Germans in England in 1310. German trade with the Scots continued, apparently in a highly-organised manner. In 1316 the Lübeck merchant John Witte was accused of taking supplies to the Scots and reference was made to his accomplices in a Scottish

43. Foedera, ii, 389, 392, 394; CDS, iii, nos 683, 639.

44. The following summary is based on Dilley, 'German Merchants', 62-91.

45. CPR, 1313-17, 253, 269, 432. Safe-conducts to trade in corn and victuals were granted to the burgesses of Lynn, but it was stipulated that they were not to take such goods to the Scots.

port who sold the goods and exported Scottish wool. The Mutuum of 1317 by which the Germans agreed to pay a tax to the English crown helped ease relations with England⁴⁶ but in 1318 English goods in Stralsund were seized. The Germans seemed less willing to take such arbitrary actions with the Scots as in the same year Brunswick advised Bremen to leave the case of a Bremen citizen to the government of Robert I.⁴⁷

The influence of German traders in Norway meant that Scottish-Norwegian trade also continued during this period.⁴⁸ A 1299 alliance with England which resulted in the English navy concentrating most of its Scottish blockade further south against France, left the more northern waters open to traders from Norway who also had the advantage of Norwegian knowledge of the Scottish coastline. Trade disputes worsened relations with England and by 1307 Norwegian support for the Scots had become more open, with Scots being harboured in both Norway and the Orkneys. In 1312, merchants from St. Andrews had goods worth £600 in the Shetlands. The Treaty of Inverness in the same year put relations with Scotland on an official footing, and by 1313 the Scots seem to have replaced the English as Norway's trading partner as almost no Norwegian goods could be found in England in that year.⁴⁹

Other countries participated in the Scottish trade to a limited extent. In 1316 Edward II complained about the supply

46. Dilley, 'German Merchants', 184-8; Hans. Urk., ii, no. 271. The Mutuum was granted by both foreign and denizen merchants to aid the war against Scotland, Gras, English Customs, 88, n.1.

47. Dilley, 'German Merchants', 136-7; Hans. Urk., ii, nos 327, 329.

48. The following summary is based on Dilley, 'German Merchants', 225-56.

49. Diplom. Norv., ii, no. 114; APS, i, 461-3; CCR, 1313-18, 2.

of ships and arms to the Scots by the city of Genoa.

There was English suspicion of French trade with Scotland, although the commerce with France does not appear to have been very significant.⁵⁰ Illegal English trade with the Scots also gave the king cause for concern.

After 1320 the picture becomes slightly clearer as some Scottish diplomatic correspondence survives, showing Scotland's reaction to events and also her commercial policy. On 22 April 1321, Robert I wrote to Lübeck, granting the merchants of Germany freedom to trade in Scotland and the same liberties as they enjoyed in the time of his predecessors. Letters dealing with trade matters were also written to Bruges and the count of Holland, and later in the year the count granted safe-conducts to two Scottish merchants, Stephen Fourbour of Berwick and Thomas Well of St. Andrews, and four other Scots. These men may have been acting as envoys sent to conclude a more formal treaty, as on 1 August 1323, the count, on Robert's petition, granted a general safe-conduct to Scottish merchants to trade in his lands during his pleasure.⁵¹ Bruce replied with a similar grant of trading liberties to the merchants of the count and good trading relations were maintained until 1327 when a breach was caused by the escape of a merchant under Scottish jurisdiction who had been arrested for debt in Holland.⁵² Reprisals due to this incident and the death of Robert I seem to have undermined the security necessary for trade for several years.

50. Foedera, ii, 292; Reid, 'Traders', 220; CCR, 1313-18, 302; CCR, 1318-21, 298.

51. Fischer, Germany, 7; Dunf. Req., no. 361; Rooseboom, Staple, app. no. 3; Smit, i, no. 343.

52. Rooseboom, Staple, app. no. 4; Req. Brieves, no. lxxi; Yair, Scotch Trade, 9-10; Smit, i, no. 343.

The accession in 1322 of a new count of Flanders who was more anxious for peace with the English resulted in the expulsion of the Scots from Flanders in 1323. The Scots may have retaliated with a similar expulsion order as they were to do in 1347, as the English king forbade his subjects to molest the Flemings returning home from Scotland. However, it is likely that the Flemish-Scottish trade was not interrupted for long, with Edward being less concerned to stop it as he moved towards a recognition of Scottish independence.⁵³

Relations with England were marked by a series of broken truces and attempts to come to a final peace. That the interests of the merchants of both sides were an important consideration is shown by Robert's promise in 1323 to restore goods cast ashore from English, Irish, Welsh or Gascon ships.⁵⁴ A truce was made on 30 May 1323 for thirteen years. In fact it lasted only five months but that Scottish trade was resumed during this period is implied in an inquisition on lastage dues at Boston on 2 September 1323 which reaffirmed that merchants from Scotland as well as certain other North Sea countries were exempt. On 2 October Edward ordered the arrest of all Scots residing in England, and soon he was again prohibiting his merchants from having any communication with the Scots.⁵⁵ However, by 1324 relations had improved, with Scottish envoys coming to treat for a final peace in July, and English merchants being allowed by Edward to go to Scotland to trade in September as long as they did not include military supplies among their wares. Three Scottish

53. CPR, 1321-4, 276, 269; Dilley, 'German Merchants', 209.

54. APS, i, 480.

55. CPR, 1321-4, 316; Gras, English Customs, 210; Foedera, ii, 536; CPR, 1321-4, 344.

merchants were given an English safe-conduct to trade in Ireland in April 1325 and attempts were made to give restitution for wrongful seizures.⁵⁶ Anglo-Scottish trade looked set to undergo a revival until the overthrow of Edward II plunged the relations between the two countries into confusion once more.

With the accession of Edward III, the English made truces with Flanders and France and set out for Scotland backed by soldiers of the count of Holland and Hainault. However, the loss of Dutch help to the Scots was compensated for by aid from Flanders, which, despite the truce, continued to maintain contact with Scotland. The detention of two Flemish ships by the English on the suspicion that they were carrying Scottish goods, and the attack on the Flemish ship La Pelarym whose passengers included nine Scottish merchants and thirteen Scottish pilgrims,⁵⁷ show the ongoing connection between the two countries.

The failure of the expedition into Scotland soon led to English attempts to establish peace on all sides, and in 1328 the treaty of Edinburgh - Northampton was concluded with Scotland. Edward III also treated with the Low Countries and by early 1329 all foreign merchants had freedom to come to England to trade.⁵⁸ Flemish merchants were again trading openly with Scotland, and some, such as Peter the Engineer, were performing complicated commissions for Robert I in preparation for the marriage of David Bruce and Joan of the Tower. Trade with England was secure enough for the Scots to impose a charge of 4d per pound on Englishmen's

56. CPR, 1324-7, 23, 115, 135, 319.

57. CPR, 1327-30, 152; Foedera, ii, 725; CPR, 1324-7, 354.

58. E.L.G. Stones, Anglo-Scottish Relations 1178-1328 (London, 1965), 161-70; Foedera, ii, 757.

goods in 1330 in retaliation for a charge of 3d per pound imposed on Scottish goods by the English in 1329.⁵⁹ During the next few years there were few reported disputes and no obstacles seem to have been placed in the way of Scottish trade with the Continent⁶⁰ until the invasion of Edward Balliol in August 1332 led to the outbreak of war once again.

As in the earlier war the English tried in vain to cut off all Scottish trade. Although Peter the Engineer and some fellow Flemish merchants complied with English wishes and stopped trading with Scotland after war had been declared, Edward had to write to the count of Flanders in April 1333 requesting him to prevent his subjects from aiding the Scots. Philip of France prepared ten ships at Sluis to help the Scots, but adverse winds prevented them from sailing.⁶¹ The submission of much of Scotland by August 1333 led to an easing of the English trading restrictions and on 16 August Edward granted royal protection for merchants of all nations coming to trade in England. This grant apparently included the Scots, as an order was issued a few days later that they were not to take silver from the Suffolk ports.⁶²

In 1335 Edward took his army to Scotland to help Edward Balliol against the increasing Scottish resistance. The war

59. ER, i, 119, 342-4; Nicholson, Edward III, 60.

60. A group of Flemish and Italian merchants shipped wool together from Scotland in 1332, CCR, 1330-3, 596. A different customs rate for foreign merchants appeared in 1331, implying fairly regular foreign trade. It continued until 1332-3, ER, i, 365-6, 426-7. It has been estimated that about 20% of the staple goods from Aberdeen, Dundee and Perth were exported by foreigners at this period, ER, i, cxxxvii.

61. CPR, 1330-4, 422; Foedera, ii, pt.ii, 860; Lucas, Low Countries, 143. In 1332, John Crabbe brought ten Flemish ships to attack the English in the Tay, ER, i, 450.

62. Foedera(H), II, iii, 99; CDS, iii, no. 1091.

was to be carried out on land and sea. Attempts were made to stop the giving of shelter to the Scots and the piratical attacks of the Flemings, Normans and French on English shipping.⁶³ Edward made the granting of trading safe-conducts to individual Flemish towns conditional on the merchants' having no dealings with the Scots, but seizures and counterseizures continued and by March 1337 the English king was ordering the destruction of a Flemish fleet sailing for Scotland. He also protested to the king of Norway and the counts of Hainault and Gueldres about the help furnished by their subjects to the Scots. Only Brabant remained faithful to the English and in February 1337 Edward rewarded this loyalty with the establishment of a wool staple at Brussels.⁶⁴

The war with France led to new alliances being formed. By granting mercantile privileges, Edward gained the support of Holland, Brabant, Cologne, Flanders, Middelburgh and the German merchants. Even occupied Scotland was allowed to participate in a limited amount of English trade. The situation in this part of Scotland does not appear to have been very secure, however, as in February 1340 when Edward gave licence to merchants with small ships and boats to bring victuals to Berwick and Leith, he felt it necessary that they should be accompanied by two warships.⁶⁵

The defeat of the French navy at Sluis by a combined English-Flemish fleet in June 1340 led to a truce between England and France and between England and Scotland, but by April 1341 Edward

63. CCR, 1333-7, 435; Rot. Scot., i, 317; Foedera, ii, 907, 912, 915.

64. CPR, 1334-8, 164, 410; Rooseboom, Staple, 5; Foedera, ii, 949, 950; CCR 1333-7, 717. Scottish messengers were sent to Norway and Gueldres in 1337, ER, i, 450.

65. CPR, 1334-8, 535; Rot. Scot., i, 581.

was once more ordering the arrest of any goods sent by his subjects to Scotland.⁶⁶ Prohibitions against the sending of arms and victuals to Scotland continued after David II's return in June 1341, but in practice seem to have had little effect. In fact, during these years the English smugglers apparently replaced the Flemings as a major supplier to the Scots of goods prohibited by the English, as the Flemish alliance with England and civil war within Flanders led to an almost complete cessation of the trade with Scotland. Meanwhile, the Scottish alliance with France resulted in the disastrous defeat in 1346 at Neville's Cross where the king of the Scots was taken prisoner.

The early years of David's captivity saw a strengthening of Scottish commercial ties with Holland at the expense of Flanders. Some trade had continued to be carried on with Flanders, but in 1347 Scottish merchants and their goods in that country were arrested, leading to retaliatory measures by the Scots on 12 November 1347. On the same day, an agreement was made to establish a Scottish staple at Middelburgh in Zealand. It seems likely that it was collective action by the merchants which influenced the council to take this step.⁶⁷

Despite the establishment of the staple in Zealand, the Scots were still anxious to retain the Flemish trade links and in 1348 two Scottish merchants were sent to Bruges as representatives of the quatre grands villes de Escosse to resolve disputes and restore good relations. By the 1350s, Flanders was once again an important

66. Foedera, ii, 1135; CPR, 1340-43, 212.

67. Rooseboom, Staple, app. no. 6; APS, i, 514-15; Nicholson, Scotland, 153-4.

trading partner of the Scots as is shown by the number of Flemish ships carrying Scottish goods wrecked on the English coast. Civil war in Flanders resulted in the banishment of pro-English Flemings,⁶⁸ and probably brought about an increased interest in the Scottish trade.

Meanwhile, moves were being made to establish a final peace with England in 1348, with Edward securing the release of an arrested Scottish ship in December. On 2 April 1349, the English king proclaimed that the truce of Calais between England and France included Scottish merchants and that English merchants could trade with Scotland in small goods, although not in wool, armour or victuals.⁶⁹ In 1354 plans were made to release David but a raid on Berwick made in aid of their French allies by the Scots in 1355 delayed the peace treaty. In 1356 Edward replied with a destructive raid through Lothian. The defeat of the French at Poitiers left Scotland isolated and in 1357 a ransom treaty was negotiated with the English. In preparation for this, Edward allowed many Scottish prisoners to go home in December 1356 to find their ransoms. Several of them were merchants and it is likely that they were sent back to Scotland to help negotiate the ransom payments for David II as well as to secure payment for their own release. From his own experience of financing the Scottish and French wars, Edward knew that it would be through the wool trade that much of the money for the ransom would be raised.⁷⁰

68. Hans. Urk., iii, no. 131; CPR, 1350-4, 281, 417; CPR, 1354-60, 386; CPR, 1354-8, 292; CPR, 1350-4, 147.

69. Rot. Scot., i, 722; CPR, 1348-50, 275.

70. Rot. Scot., i, 798; Lloyd, Wool Trade, 144. Robert I was also aware of the usefulness of wool as a source of revenue for war, Nicholson, Scotland, 107.

With the ratification of the ransom treaty on 3 October 1357, and David's return, more peaceful conditions prevailed and there was a gradual increase in Anglo-Scottish trade. From 1357 an increasing number of safe-conducts were issued to Scottish merchants, allowing them to trade in England, Ireland and Edward's other domains, the greatest number appearing in the early 1360s when Edward tried to negotiate with David for the succession of an English heir to the Scottish throne if David died childless. The encouragement of Scottish trade through the issuing of safe-conducts may have been part of Edward's plan to make the idea of an English heir more palatable to at least one part of Scottish society.⁷¹ Other privileges were also granted to the merchants. On 14 May 1358, it was declared that Scottish merchants seeking refuge from storm in English ports were to be immune from paying toll on any goods not exposed for sale. This was repeated in 1362. They were also freed from having to observe the English staple at Calais. In 1367 they were given a general licence to trade with the people of Berwick and parts adjacent. A general grant of privileges to the Scottish merchants in 1364 by David II also encouraged commercial activity.⁷²

The cessation of hostilities with England left the Scots free to re-establish more formal diplomatic and commercial links with Continental trading partners. On 30 November 1359, the count of Flanders granted Scottish merchants freedom to come to Flanders provided their staple was established there. The Calais

71. Davidson, Staple, 98. See Rot. Scot., i and ii, for safe-conducts.

72. Rot. Scot., i, 823, 862; Davidson, Staple, 98; Rot. Scot., i, 916; RRS, vi, no. 316. The 1364 grant rewarded the burgesses for their contribution to the ransom

wool staple had drawn English merchants away from Bruges, and from the mid-fourteenth century the Scots became the most important traders there after the Germans. As the Flemish cloth industry moved to the rural areas there was also more demand for the cheaper Scottish wool, along with native and Spanish wool.⁷³ That the Scots still frequented Bruges despite the staple at Middelburgh is suggested by their complaints about the treatment they received in the Flemish city. There is also a record of a Scottish transaction which took place there in 1357. John de Tory, on behalf of his brother William, a burghess of Aberdeen, paid Thomas, earl of Mar, 1000 ecus of Flanders in connection with his renunciation of the barony of Foveran. The payment of the second instalment of the ransom in Bruges where John Mercer received much of the money owed by the burghesses⁷⁴ shows that by the early 1360s Bruges had once again become an important commercial centre for the Scots.

Perhaps the Flemish trade was beginning to draw large numbers of Scottish merchants away from Holland for in 1371 count Albert of Holland made a grant of mercantile privileges to the Scots. They were given protection for ten years and freedom of trade on peaceable behaviour. This grant was similar to those given to other foreign merchants, although not so extensive as that given to the English whose trade was of prime importance to the area.⁷⁵

The twenty years from David's return to Edward III's death in 1377 was the most favourable period for Anglo-Scottish trade during

73. Hans. Urk., iii, no. 579; Stevenson, 'Low Countries', 14; Lloyd, Wool Trade, 225.

74. SRO, GD124/1/107; ER, ii, 6, 9, 10, 19, 20, 22, 54, 55-6.

75. Rooseboom, Staple, app. no. 6.

the fourteenth century. In these years peace with England meant that the wool trade with the Continent could be carried on without interruption and about 5000 sacks were exported annually. To England went fish and hides in return for manufactured goods and food. Grain was in high demand and the amount allowed to be exported to Scotland from England during these years totalled over 20,000 quarters. In fact, the export of grain seems to have been used as a political bargaining lever. In 1365, exports of grain were not licensed until a new ransom agreement was made on 20 May, and about half the licences granted in that year were issued on that date.⁷⁶

Under Robert II there was a marked falling off in the number of safe-conducts issued to Scottish merchants,⁷⁷ and an increase in the number of items prohibited from export from England. However, trade did continue on a large enough scale for various English parliamentary ordinances to be issued regulating the circulation of Scottish money in England. In January 1373 Edward III ordered his sheriffs to make a weekly proclamation against gold or silver Scottish money being taken in payment except at its value as bullion, and in November the English Parliament ordained that 4d Scots was to be worth 3d English.⁷⁸

After Edward's death the truce with Scotland was revived periodically until the mid-1380s, although various restrictions continued to be placed on trade and continuing tensions led to

76. James Campbell, 'England, Scotland and the Hundred Years War in the Fourteenth Century' in Europe in the Late Middle Ages, edd. J.R. Hale, J.R.L. Highfield and B. Smalley (London, 1965), 204.

77. This may have been partially due to the 1369 Treaty of Durham by which the English and the Scots were to be allowed to trade with each other without having to show letters of safe-conduct, Edna Hamer, 'Anglo-Scottish Relations in the Reigns of Robert II and Robert III', unpublished M.Litt (Glasgow, 1971), 6, 81.

78. Foedera, iii, 919, 1072; CDS, iv, nos 201, 209.

an increase in the arrests of Scottish ships. In May 1380 Richard ordered the arrest of all who carried staple goods to Scotland from England. However, the restrictions on the English trade were compensated for by expanding trade with other countries. Prussian and Flemish merchants were active in Scotland, and in 1382 Richard even allowed the Scots to trade with Ireland.⁷⁹

The expiry of the truce with England led to Scotland renewing her links with France. In August 1383 Robert II ratified a treaty by which the king of France promised to assist him against England. Two parties of French knights sailed from Sluis in 1384 and 1385 and joined the Scots in raids on England. Similar raids were made by England, and it seems likely that the trade between the two countries once more came to a virtual halt until a new truce was made after the Battle of Otterburn in 1388. Meanwhile, the trade with the Continent was strengthened. In 1386 the count of Flanders ordered the council for Flanders to protect and adjudicate over disputes about the privileges of the Scots, the Italians and the Hansards. In June 1387 the count granted specific privileges to the Scottish merchants,⁸⁰ similar to those granted in 1359 but with the additional security of being given 120 days to settle their affairs if international troubles arose. The Prussians were also in contact with the Scots and, according to an English complaint to the Hanse in 1388, were aiding them against the English by giving them arms, victuals and other supplies. A

79. Rot. Scot., ii, 22; ER, iii, 659; Rot. Scot., ii, 41.

80. Foedera (H), III, iii, 157-8; Stevenson, 'Low Countries', 69; Rooseboom, Staple, app. no. 11.

Königsberg man was also accused of taking an English ship to Scotland in 1385 and selling it to the Scots.⁸¹

The truce of 1388 with England contained two clauses relating to trade. The subjects of the realms were to communicate with each other only in trade, a clause which suggests the importance of Anglo-Scottish commercial relations to both countries. To protect the merchants, vessels wrecked on the coast of either country were to be rescued with their cargoes and crews and delivered as in peacetime. The truce was periodically renewed during the 1390s and a time of relative peace followed until the end of the century. Safe-conducts were again issued to Scottish merchants, although in nowhere near the numbers granted in the years after David's return from captivity. Richard II also tried to ensure the preservation of the truce by observing its conditions and releasing captured Scottish merchants.⁸²

The Prussian trade continued to grow in the late 1380s and 1390s. Prussian sailors were in Leith in 1389, and had earlier supplied timber for machines. A list of Scottish debtors to the Teutonic Order was drawn up between 1396 and 1417⁸³ and included several of the leading Scottish merchants of the time as well as a number of apparently less significant ones, suggesting the far-reaching nature of the trading contacts.

The Flemish trade also continued. A mission of 1394 by the Scots to Bruges to negotiate trading privileges resulted in a grant to them on 8 August 1394, with many of the clauses aimed at satisfying complaints similar to those made in 1359. Two even

81. Hanse, iii, no. 404.

82. CDS, iv, nos 387, 481.

83. ER, iii, 168, 659; Fischer, Germany, 238-9.

more generous grants were made in 1407, one by the count and one by Bruges. The city took advantage of the count's grant of trading privileges to try to secure the bulk of the Scottish trade for itself.⁸⁴

Despite these grants, however, the Scottish wool trade, like the English, was now beginning to decline. Possibly due to climatic deterioration, the quality of the wool seems to have worsened and demand for it fell off. By the early 1400s, wool exports were less than half what they were in the mid-1390s. An import duty imposed on English cloth in the late 1390s suggests that Scottish wool was now being increasingly used for domestic cloth production, while new export duties in 1398 on salmon, salt meat, suet, butter and horses⁸⁵ imply that Scotland was looking to new resources to re-establish a balance of trade.

The diplomatic records give a general picture of the state of trade during the fourteenth century, but, with the exception of the grants of privileges, provide little information about the life of the individual merchant. The sources for such a study are few in number but nevertheless they do give some glimpses of the conditions facing a Scottish merchant when following his career.

There is little evidence to show how the merchants obtained the goods which they exported. In the case of wool, however, it seems likely that the wealthier merchants might carry on an extensive

84. Rooseboom, Staple, app. no. 13; Yair, Scotch Trade, 27-33, 35-41.

85. Stevenson, 'Low Countries', 22-5, 39; APS, i, 571. While wool exports declined, that of hides increased in many burghs such as Perth and Dundee. In Stirling in 1378 the customs from hides was larger than that from wool, ER, ii, lxxxix, xcii.

business with the monasteries, the largest producers of wool. The dealings of a Berwick merchant, Thomas of Coldingham, with Durham Priory from 1310 to 1315 give some insight into practices common at the time. It appears that Thomas dealt in futures, advancing a certain sum of money to the Priory in return for the wool from the annual clip of one or more years. This ensured that he had wool to export and probably enabled him to pay a lower price, while the lump sum gave the monks extra money for any immediate projects. Such payments might also save the merchant extra work as it seems likely that the English custom was followed whereby the monasteries made up any shortfall in the contracted amount by buying the produce of smaller wool-growers,⁸⁶ although the 1364 grant of privileges which stated that wool could only be sold to merchants might have affected this practice.

Not all wool was of the same quality and some fetched higher prices than others. Francesco Pegolotti, an Italian merchant who drew up a merchant's handbook, probably some time in the first half of the fourteenth century, gave a list of wool-producing monasteries in Scotland, and for several of them noted three separate prices for different qualities of wool. As the charges for packing, transport, customs and foreign tolls depended on quantity rather than quality, it was in the merchant's interest to purchase the best-quality wool in order to realize the largest profit.⁸⁷ Thus the overseas merchant's skill rested on his ability to acquire the best wool possible at the lowest price

86. Donnelly, 'Thomas of Coldingham', 4-5; Lloyd, Wool Trade, 289, 295, 299-300; Duncan, Scotland, 428-9. In 1336 a Newcastle merchant bought all his wool from Balmerino Abbey, CFR, iv, 501.

87. Francesco Balducci Pegolotti, La Pratica Della Mercatura, ed. Allan Evans (Cambridge, Mass., 1936), 258-69; Duncan, Scotland, 430; Lloyd, Wool Trade, 316.

possible. For those supplying the home industry and not faced with heavy customs duties and the cost of transport overseas, poorer-quality wool would probably suffice. Certainly the quality of what was probably locally-made cloth at Perth does not suggest the use of highest-quality wool.⁸⁸ Sometimes the purchaser might be given a variety of qualities of wool in which case he might follow the English practice of employing a packer to pack the wool, sorting it into different groups as he did so. The best would then be available for export and the rest might go to the craftsmen involved in the native cloth-making industry.⁸⁹

Not all exporters dealt directly with the producers of their goods. There seem to have been many opportunities for middlemen who might be employed by exporters to purchase a certain quantity of goods, or who might buy goods themselves and then bring them to the burgh market to sell to the merchants. Certainly the restrictions on the freedom of trade of foreign merchants proved advantageous to such middlemen. In many burghs foreigners were allowed to buy goods only from the burgesses,⁹⁰ thus ensuring the burgesses' participation in any transaction involving a foreign merchant. In some English boroughs there were official brokers who acted for foreign merchants by securing wool for them. In Leicester in the early fourteenth century the brokers had to be sworn in by the town authorities, and it seems possible that the brokers mentioned in the Statuta Gilde⁹¹ were part of a similar system

88. Bennett, 'Textiles' (PHSE), 83.

89. Lloyd, Wool Trade, 316.

90. RCRB, 538, confirmed this privilege to all king's burghs in 1364.

91. Lloyd, Wool Trade, 303; Statuta Gilde, c.31.

in Berwick in the late thirteenth century. Native merchants who exported only small quantities might buy their supplies in the burgh directly from those producers who brought them there. Landowning merchants might also be able to export the produce from their own lands.

Having secured his goods the merchant had then to export them. One of the reasons for the Scottish king's concern with the interests of his merchants was that the export of the staple goods of wool, woolfells and hides provided him with a major source of revenue in the form of the great customs. It is not clear when these export duties were first imposed, although there is a reference to such customs in Berwick in 1282, and they were in operation by 1316 when a grant of Robert I refers to "the new customs called maltot".⁹² The first customars' accounts appeared in 1327. The rate on wool was 6s 8d per sack or per 360 woolfells, while that on hides was 13s 4d per last (about 200 hides). The duty on woolfells was later amended to 6s 8d per 240. Stevenson suggests that the prices given by Lloyd for Northumberland wool were probably similar to those achieved by Scottish wool and that therefore the customs rate represented about 7% of the purchase price.⁹³

The customs rate was often changed during the century when more money was required by the king. The need to pay a contribution for the peace of 1328 was probably a major reason for the increased rates charged on staple goods exported by foreign merchants in 1331-3. In order to raise the money for David's ransom, the customs rates for all merchants were first

92. Stevenson, 'Low Countries', 151; SL, B59/23/9; Family of Rose, 112-13.

93. Stevenson, 'Low Countries', 152-3.

doubled and then trebled after 1357. In 1368, Parliament ordered a quadruple customs to meet both the ransom demands and the king's increased expenses.⁹⁴

The collection of these revenues was controlled by restricting the export of staples to those burghs which were granted a cocket, a seal which was required before staple goods could be sent overseas. The grant of the cocket was made mainly to the king's burghs, although certain ecclesiastical and baronial burghs such as St. Andrews and Dunbar also received such a grant. In these burghs there were a number of royal officials who were responsible for enforcing the customs system. Foremost among these was the customar who received the customs and paid them to the Exchequer. He was often, although not invariably, a prominent local burghess. At first, the customars of the burgh, usually two in number, were probably responsible for all the operations carried out in connection with the customing of exports, but in time responsibility came to be delegated, at least in some of the burghs. In January 1365 Parliament ordered that a competent person representing the crown should be in attendance at the weighing-house of each burgh in order to prevent fraud and in December it was ordained that a tron for weighing wool should be set up in every burgh of export, the tronar being paid a fee of 1d per sack. The cost of maintaining the tron was paid from the customs receipts. Some burghs also had a clerk of the cocket who acted in conjunction with the customars and the tronar and prepared the letters of cocket which certified that a particular merchant had paid the customs on his goods.⁹⁵ This document was sealed with the cocket seal, of

94. ER, i, 365-6, 426-7; ER, ii, xli, lxxii; APS, i, 504.

95. ER, ii, lxxxvi, 234, 267, 273, 275; APS, i, 496, 497; ER, ii, 375.

which each customar held half so that both were required to be present when goods were exported. In Dundee in 1381, enumerators of skins and hides were appointed. This office became a national one in 1396.⁹⁶ In some burghs the organisation of the customs also entailed an additional expense in the rent of a building to be used as the customs house.⁹⁷

The merchants did not always export goods from their own burgh. From about 1362 it became increasingly common for merchants of one burgh to have their goods customed and cocketted there, and then taken to another burgh to be exported. The merchants presented their cockets to the customars of the second port who entered the exports in their cocket book without collecting the duty. This practice was most common among the merchants of Ayr, whose access to Continental ports was restricted by geography. Blackness at Linlithgow seems to have been their favoured alternative.⁹⁸

Having paid the necessary customs and laded the ship, the merchant or his agent - who was also often the master of the ship - set off for his destination. If the journey was to Flanders the route hugged the English coast most of the way south, thus accounting for the predominance of Flemish or Flanders-bound ships among those wrecked on the English coast in this period. A trip overland to Dover and thence to the Continent was an alternative, although it did not allow the export of a great quantity of bulky goods and would tend to

96. Stevenson, 'Low Countries', 153; ER, iii, 66.

97. ER, ii, 381 (Aberdeen). In Stirling in 1370 the customar's house was used for this purpose, ER, ii, 314-15.

98. ER, ii, 374, 378, 471, 515. The west coast burghs also traded with Ireland, but probably the main market for their staple goods was the Continent.

increase the cost of the goods as transport overland was generally more expensive than transport by water.⁹⁹

In the absence of detailed customs records,¹⁰⁰ most of the evidence about the merchant ships sailing to and from Scotland during the 1300s comes from records of disputes, wrecks, captures and arrests. Such evidence only reveals information about a very small percentage of the ships involved in the Scottish trade, and is further biased by the fact that most of the documents are to be found in English sources and thus deal only with ships involved in English and southern North Sea trade. Nevertheless, they can be used to give some information about the organisation and activities of Scottish merchants.

The merchants of the fourteenth century did not restrict themselves to using the ships of their own country, but seem rather to have used whatever ships were available. Zealand ships sailed from Sluis carrying the goods of Scottish merchants, while other ships had on board men of Scotland, Flanders and Germany. The sharing of cargo space between merchants of different nationalities was not uncommon, each merchant paying a freight charge for his own goods. Of the ships carrying the goods of Scottish merchants and wrecked on the English coast

99. CPR, 1367-70, 127; Rot. Scot., i, 926; Postan, Medieval Trade, 119.

100. The customars at each burgh of export drew up a book of entry of ships giving details of cargo, destination, merchants involved etc., while the clerk kept a cocket book containing the same information. These were presented at the Exchequer audit, Isabel Guy, 'The Scottish Export Trade 1460-1599, From the Exchequer Rolls', unpublished M.Phil. (St. Andrews, 1982), 13-14. Unfortunately, only the Exchequer Rolls, giving the sum totals of exports and customs paid, have survived, so there is no Scottish equivalent to the English Particular Accounts.

during the century, almost two-thirds were Flemish.¹⁰¹

It is sometimes maintained that the Scots were short of ships and heavily reliant on the shipping of other countries for their marine activities,¹⁰² but the evidence is not complete enough to support this statement. Certainly, at two periods during the century the Scots were being heavily supplied with ships by other countries, but in both cases this was during war with England when extra shipping would be required to make up for losses suffered in the war, to protect merchant shipping, and to pursue the conflict at sea. Robert I was supplied with ships by the Flemings and Germans and even looked to the Genoese for vessels. The second occasion on which Scotland received foreign ships was in 1336, again in the midst of a struggle against the English. On 3 November, Edward III wrote to the king of Norway and the counts of Hainault and Gueldres requesting them to forbid their subjects letting ships to the Scots.¹⁰³

In more peaceful times, Scotland does not seem to have been particularly dependent on foreign shipping, although the ships of other countries were used in a number of trading enterprises. References in the Exchequer Rolls show the ships of individual merchants being used to carry out duties for the crown. The ship of John Scot of Inverness was used to take building materials

101. CPR, 1367-70, 424; CDS, iii, nos 713, 1586. See CDS, iii and iv, Rot. Scot., i and ii, CCR and CPR for other ships. The number of ships is too small, however, to allow any firm conclusions to be drawn concerning the proportion of foreign to Scottish ships involved in Scottish commerce.

102. Davidson, Staple, 8. Morris, however, suggests that Scottish shipping was proportionately greater than that of England, Morris, Stirling Gild, 30.

103. Foedera, ii, 292; W. Stanford Reid, 'Sea-Power in the Anglo-Scottish War, 1296-1328' in The Mariner's Mirror, xlvii (1960), 13-17, 20-2; Foedera, ii, 949, 950. By 1355 the earl of Angus was able to gather a number of ships from different Scottish harbours to mount an attack on Berwick, Chron. Fordun, i, 372.

to St. Monans, for the erection of a royal chapel there.

About one-third of the ships captured or wrecked in England were definitely or probably Scottish and some could be identified with specific burghs. Thus Inverness, Aberdeen, Dundee, St. Andrews, Edinburgh, North Berwick and Linlithgow merchants all had access to Scottish ships in their home ports. That the use of Scottish ships was becoming widespread during this period is also implied by a 1428 Act of Parliament which refers to earlier acts restricting Scottish merchants to using Scottish ships.¹⁰⁴

Of foreign vessels, Flemish ships seem to have been active in the Scottish carrying trade throughout most of the century. There are also several references to ships of Zealand and of the various German cities. While sometimes carrying the goods of both Scots and the merchants of their own country, at other times these ships appear to have been chartered by the merchants of a particular burgh. When two ships were wrecked on the English coast in 1370, the goods of one were claimed by merchants of Aberdeen, and the goods of the other by merchants of Edinburgh. The ships might also carry the goods of individual merchants. William Johnson of Aberdeen laded a ship of Sluis in 1368 and his goods apparently made up the entire cargo.¹⁰⁵

Although there are no recorded examples of merchants of different burghs sharing cargo space in foreign ships, it seems that they were not averse to doing so in Scottish ships. In 1372, Edward III ordered the restoration of goods from two Scottish

104. ER, ii, 243, 329; APS, ii, 16.

105. CPR, 1367-70, 424, 471; CCR, 1364-8, 440-1.

vessels, wrecked on the Northumbrian coast on a voyage from Bruges to Scotland, to merchants from Edinburgh, Perth and Dundee. It seems likely that it was the merchants of Perth and Dundee who shared one of the ships as the Perth customars' account for 1380-1381 refers to goods being laded at both Perth and Dundee.¹⁰⁶ Apparently international trade could sometimes foster a certain amount of inter-burghal cooperation.

In the early thirteenth century, Scottish ships in England were expected to carry fewer than ten horses, but of their size in the fourteenth century there is little evidence, although the fact that the size did vary is suggested by the frequent distinction made in the customs accounts between ships and boats.¹⁰⁷ Perhaps the smaller vessels were used mainly for the coastal trade with England or the Isles, with larger ships carrying the bulkier staple goods to the Continent. However, this was no hard and fast rule and it is likely that the ships involved in both coastal and overseas trade varied in size and shape, especially with the increasing use of merchant ships for fighting and of war ships for trade.¹⁰⁸

As in later centuries the routes followed by merchants were not always simply two-way. At least one example survives of what may have been part of a triangular voyage. In 1380, Finlay Usher, a Scottish merchant, shipped 16 lasts and two barrels of herring

106. Rot. Scot., i, 948; ER, iii, 51.

107. Duncan, Scotland, 516; ER, ii, 510, 512, 606; ER, ii, 8, 50. Carus-Wilson says that there was no clear distinction between navis and batella, E.M. Carus-Wilson, ed. The Overseas Trade of Bristol in the Later Middle Ages (Bristol Record Society, 1937), 334, but in the Scottish customs accounts they are usually counted separately.

108. Alan Moore, 'A Barge of Edward III' in The Mariner's Mirror, vi - (1920), 242; Rosalind Mitchison, A History of Scotland (London, 1970), 66. Stevenson suggests that the infrequency of Scottish sailings might imply that the Scottish ships were quite large, Stevenson, 'Low Countries', 172.

and two chests of cloth from Schoewen in a Zealand vessel for Flanders.¹⁰⁹ The nature of the cargo suggests that this was the second part of a voyage in which he had exchanged his Scottish goods for Zealand ones which he would then use to acquire goods in Flanders to take back to Scotland.

In the earlier years of Scottish foreign trade the only restrictions placed on the destinations of Scottish traders were those dictated by market demands and foreign relations. Certain towns, however, seem to have been favoured above others. Bruges was one of these. As an important centre of international trade, Bruges provided the Scots with contact with foreign merchants and new commercial ideas which were brought back to Scotland. Among these ideas in the fourteenth century was the concept of a staple port, an institution with which the English were to experiment throughout the 1300s. Ironically, a worsening of relations with Flanders led to the first recorded staple being established in Middelburgh in Zealand^{in 1347}, although it seems quite possible that Bruges may have been recognized as the staple previous to this.¹¹⁰

The actual terms of the agreement which established the staple at Middelburgh have not survived but the general idea was to concentrate the Scottish trade in staple goods in one particular town in return for various privileges such as lower tolls or a mayor or conservator to safeguard the interests of the merchants. Unlike the English staple it was never regarded as compulsory during the fourteenth century, although the advantages which accrued to those doing business there would encourage most

109. CDS, iv, no. 300. See Hamer, 'Anglo-Scottish Relations', 36, for more details about this particular voyage.

110. Stevenson, 'Low Countries', 157. Stevenson suggests that Bruges was the Scottish staple for most of the century, Ibid, 39, 253, 255, 275.

Scottish merchants to use the town. In practice, it resembled more the foreign factories of the Germans. The Scottish merchants brought the goods to the staple port and there traded them either personally or through agents or factors. Probably many of those who lived in Bruges in the thirteenth century had earned their living as factors or brokers for their countrymen.¹¹¹

It is not clear that the staple became fixed at any one town during the fourteenth century, although the various privileges granted by Bruges to the Scots suggest that this was the usual staple port. These grants and those of the count of Holland give some idea of the conditions under which the Scots traded on the Continent, as well as showing the abuses to which they were subject.

Unlike the English merchants in Holland who were freed from paying most customs' dues in 1382, the Scottish merchants remained liable for payment of customs and tolls throughout the century. In Holland in 1323, this amounted to 1% of the value of their goods.¹¹² At Sluis customs officers inspected the goods brought by the merchants and then a toll was charged for their unloading and transit to Bruges. At Bruges there were petty customs to be paid. The Scots complained about the opening of their parcels by the customs officers and asked that the word of the merchants' hosts be accepted for their contents. This was refused but it was agreed that if baggage was opened and everything was in order, the officials would pay for the expense of repacking.¹¹³

111. Davidson, Staple, 337-42, 348-9; Stevenson, 'Low Countries', 158-9.

112. Smit, i, no. 310.

113. Stevenson, 'Low Countries', 177-8, 180-1; Rooseboom, Staple, app. nos 8, 9, 13.

The Scots were also subject to the laws of the country in which they were trading, again unlike the English in Holland who were allowed to choose their own governor to settle disputes among themselves. Not until 1407 were the Scots granted permission to have a conservator to look after their privileges.¹¹⁴ Immunity from arrest for another's debts, however, was a right that was gradually won during the century, and supposedly guaranteed the merchant protection from arbitrary seizure, although in fact continued piracy and the retaliatory measures taken as well as the expiry of grants and privileges meant that this continued to be one of the hazards of overseas trade.

One of the abuses of which the Scottish merchants complained was overcharging by the brokers who handled the sale of their goods in Bruges. The broker was a useful servant to the merchant as, through residence in the town, he was able to establish contacts with prospective buyers and dispose of the goods as quickly as possible. He probably also arranged storage for the merchandise, most of which was sold directly from storage cellars, although wool and woolfells had to be sold in the woolhouse. It seems, however, that the employment of a broker might have been compulsory, for in the fifteenth century the Scots gained the right to trade without the intermediacy of a broker.¹¹⁵

In common with their counterparts from other countries, the Scots made increasing use of credit throughout the medieval period. At the time of a sale, a date and a place were specified for

114. Yair, Scotch Trade, 19-20, 22, 40.

115. Stevenson, 'Low Countries', 181-2.

payment.¹¹⁶ Not surprisingly, the making of such contracts often resulted in problems of recovering debts. In 1359, the Scots complained of delays of up to five months before they received payment for their goods, and in 1394 they asked that if a Bruges burgess defaulted his goods should be forfeited to pay the debt. One of the privileges granted in this year was that buyers would be compelled to pay at the agreed time.¹¹⁷

The weighing of goods seems also to have been subject to abuse, with delays of up to two or three months before wool was weighed. The Scots made a request to have their own weigh-house and weigher. This was refused but in 1394 Bruges promised to correct the abuses in weighing and allowed the Scots to have priority at the English weigh-house. The weigher was to keep his hands off the balance or he would be punished and the goods weighed before two bailiffs.¹¹⁸

One of the chapters in the count of Flanders' grant of 1407 states that when loading and unloading the Scots could place their ships side by side or in rows abreast of one another up to the number of four. This suggests that Scottish merchant ships sometimes travelled together, as does the wreck of the two ships of Edinburgh and Aberdeen in 1370. During wartime, especially, it seems likely that Scottish merchants would follow the English practice, and travel in convoys.¹¹⁹ Largely due to the political situation, cooperation in commercial ventures was not only desirable, but necessary.

116. For such an agreement made in Scotland, see SR0, RH1/2/688 (1388).

117. Hans. Urk., iii, no. 579; Rooseboom, Staple, app. nos 8, 9, 13. Monetary transactions were further complicated by the great variety of currencies in use in Flanders and Brabant at this time, Alison Hanham, 'A Medieval Scots merchant's handbook' in SHR, 1 (1971), 109-10.

118. Hans. Urk., iii, no. 579; Rooseboom, Staple, app. nos 12, 13.

119. Yair, Scotch Trade, 29; CPR, 1334-38, 567.

On a more individual basis, cooperation was also a major feature in the activities of Scotland's merchants. Trading partnerships appear to have been the order of the day. Unfortunately, the evidence is too sketchy to determine the nature of most of these partnerships, but if they followed the pattern of other countries, they could assume a variety of forms, ranging from a true joint venture in which all members contributed both goods and services to a sleeping partnership where one or more merchants contributed goods and another carried out the actual overseas enterprise.¹²⁰

For all but the very wealthiest merchants, partnerships were necessary in order to raise the capital required for a trading venture. Among the English safe-conducts issued to Scottish merchants in the 1360s and 1370s it was common practice to grant them to an individual and a certain number of socii. This almost certainly indicated a partnership - the fact that not all the partners were named could be due to the temporary nature of the partnership which meant that its formation might still be in the future when the named merchant applied for a safe-conduct. Protection was thus assured for prospective members. Presumably, if the safe-conduct was valid long enough to allow more than one journey, the partners could even be changed. Such temporary partnerships were a common feature of the fourteenth-century wool trade in England and Italy.¹²¹

In some cases more than one merchant is named in a single

120. Postan, Medieval Trade, 16-17, 68-70; Joseph and Frances Gies, Merchants and Moneymen: The Commercial Revolution, 1000-1500 (New York, 1934), 52.

121. Donnelly, 'Thomas of Coldingham', 111-12; Lloyd, Wool Trade, 307.

safe-conduct, implying that a formal, even if temporary, partnership had been established. One of the earliest such grants was issued on 6 May 1348 to three Aberdeen merchants, Adam de Frendraught, Robert de laBothe, and John Tailleur. It was repeated on 12 November of the same year and allowed them to bring twelve other persons, probably mariners, with them. In October 1357 four more Aberdeen men were granted permission to trade in England and Ireland in a single ship. In a list of safe-conducts issued to various Scottish merchants from 11 May to 20 July 1358, one on 11 July was granted to three men, Robert de Nesbit, Robert de Paxton and Adam de Paxton.¹²² The placing of their names together in what is otherwise a list of individual names with socii, suggests an established partnership. The probable family connection of the two Paxtons would also tend to support this conclusion.

Two safe-conducts of January 1359 were granted to John Wigmer, burgess of Edinburgh, and Alexander his brother, and to Robert Hogg of Edinburgh and John de Peebles, merchant of the same town. The Wigmer partnership lasted for a number of years, with the brothers being granted safe-conducts in 1360 and 1361. The Hogg-Peebles relationship also remained close, on a social level at least, as after her husband's death, Margaret Hogg married John de Peebles.¹²³ Other definite or probable family relationships included those of William and Walter Guppild of Edinburgh, Andrew and Walter son of Augustine of Edinburgh, Hugh de la Leys and his brother Thomas of Dundee, and Henry and Walter

122. Rot. Scot., i, 716, 724, 815, 823.

123. Ibid, i, 832, 851, 859; RMS, i, no. 443.

de Edinham of Aberdeen.¹²⁴ Nor were trading enterprises restricted to the male members of the family. In 1362 a joint safe-conduct was issued to Roger and Margaret Hogg, and in 1365 Margaret herself is styled a Scottish merchant, suggesting that in 1362 she was taking an active part in her husband's trading activities. In 1379 Annabella Guppild was given permission to accompany her husband on a trading journey to Flanders.¹²⁵ Some trading ventures indeed seem to have involved moving the entire family. In 1373 a safe-conduct was granted to the merchant William Prudhomme to come to England for one year with his wife, children and servants. David de Kymbriggeham, burgess of Berwick, was granted a similar safe-conduct in 1336 for three years.¹²⁶

As well as partnerships between brothers, family-based relationships could involve father and son. It was common for merchants' sons of this period to gain practical experience of commercial enterprise through working for their fathers as factors or servants. A probable example of this is found in two safe-conducts issued to Alan de Ballon, a prominent Edinburgh merchant, in 1394 and 1396. In both cases, Alan's servants included Thomas de Ballon who was probably his son. The fact that Alan's ship was called la Thomas tends to support this conclusion. The three other "servants" listed in 1396 all bear the surname Fersith and could quite possibly be the sons or grandsons of the wealthy Edinburgh merchant William Fersith who

124. Rot. Scot., i, 854, 855, 897, 859, 869.

125. Ibid, i, 867, 897; Ibid, ii, 19. Women in England also engaged in trade, Gras, English Customs, 115, 399. In the fifteenth century, and probably earlier, women were admitted as burgesses and gild brethren, Sir James D. Marwick, Edinburgh Guilds and Crafts (SBRs, 1909), 9.

126. Rot. Scot., i, 960; CPR, 1334-38, 220.

was an active trader in the 1360s and 1370s.¹²⁷ In the absence of more positive evidence some of these connections are fairly speculative but given the strength of family ties in medieval Scotland they are not altogether unlikely.

During the medieval period it was becoming increasingly common for European merchants to employ factors to deal with the merchandising of their goods in other countries.¹²⁸ Many Scottish merchants, however, continued to accompany their goods overseas, despite the fact that fifteenth-century evidence suggests that these journeys must often have been very uncomfortable.¹²⁹ In the Scottish ships captured by the English, the passengers often included merchants, most of whom probably had a share in the cargo. John Mercer, one of the wealthiest men in Scotland, was captured in 1376 when returning home with his ship, and the reprisals carried out by his son Andrew show that the younger Mercer was no stranger to seamanship. Men such as William Feth and Adam Tore who were sent on diplomatic missions to the Continent probably had some familiarity with the countries with which they were dealing. The presence of Scottish merchants in Flanders is shown by a 1357 safe-conduct to six of them to pass through England on their way home to Scotland.¹³⁰

127. CDS, iv, no. 460; Rot. Scot., ii, 135; Rot. Scot., i, 865, 890, 920, 978; ER, ii, 450, 463. Thomas de Ballon also appears in the English records as a Scottish merchant, Hamer, 'Anglo-Scottish Relations', 115.

128. That this was a common practice in Scotland as well is implied by a formula for a royal letter seeking protection abroad for the servant of a merchant, Formulary E, no. 62. It was the factor of an Edinburgh burghess who arranged the passage of the bishops of St. Andrews and Dunkeld back to France in 1295, Chron. Lanercost, 168.

129. Gies, Merchants and Moneymen, 142-3; Stevenson, 'Low Countries', 169-70.

130. ER, ii, xlii, n.4; Hans. Urk., iii, no. 131; Rot. Scot., i, 817.

Except in the cases of wealthy merchants such as John and Andrew Mercer and Alan de Ballon who had their own ships, most merchants crossed the seas in other men's ships and in the company of others - not only merchants, but also scholars, pilgrims and other passengers. This did not always protect them from attack as the massacre of the passengers of the Pelarym shows. In 1337 a Flemish ship carrying the bishop of Glasgow and "other Scottish enemies" with goods and armour was arrested, and in 1327 a ship of Flanders which had among its passengers two Scottish friars and five Scottish merchants was wrecked in a storm while at Scarborough. The Scottish merchants escaped from the town, but the unfortunate friars were forced to seek asylum in a church.¹³¹

Merchants on trading journeys usually had more permanent company as well - almost all English safe-conducts included provision for a number of escorts to accompany them. The number of such escorts, servants and boys varied from two to thirty and does not seem to have been related necessarily to the wealth and status of the merchant, insofar as these are discoverable. The usual number was two to four per merchant, although in 1359 John Scot of Inverness was granted a safe-conduct for himself and twenty escorts¹³² - perhaps a comment on the perils of journeying through the north of Scotland? There are no complaints in the English records of assaults on Scottish merchants travelling overland through England, suggesting perhaps that they were sufficiently well-protected against attack - or that they were not carrying enough goods to merit a protest to the government.

131. CCR, 1337-79, 172; CCR, 1327-30, 186-7.

132. Rot. Scot., i, 836.

The references to these escorts serve as a reminder that it was not only those of merchant-status who were involved in Scotland's commerce. If the number of associates and servants mentioned in the safe-conducts is added to the number of named merchants, the total of potential trade-related visitors to England in the period 1357-1400 increases considerably. Over 900 safe-conducts were issued, allowing over 3500 entries to England. Although many of these were granted to the same individuals at different times, over 500 different merchants seem to have been involved.¹³³ If even half these safe-conducts were used, then the mercantile traffic between England and Scotland, especially in the peak years of the 1360s when 733 were issued, was by no means inconsiderable. Moreover, the above numbers refer only to royal safe-conducts. Many more licences may have been granted but not recorded as Edward III sometimes delegated the responsibility for issuing such protections to others. On 24 November 1366, for example, Henry del Strother, sheriff of Northumberland, was given power for one year to grant safe-conducts to Scots wishing to trade in Northumberland.¹³⁴

As well as those who served the merchants, Scottish commerce involved those whom many merchants served. Information is lacking on what proportion of Scottish traders carried out their ventures independently, although it seems likely that many did. However, from the thirteenth century onwards there are records of merchants carrying on trade on behalf of members

133. In calculating the exact number of individuals involved, difficulties arise because of the existence of different merchants with the same names, therefore an approximate number is given.

134. Rot. Scot., i, 907. The Earl Marshal, English Warden of the East March, had similar authority but this was withdrawn in 1389, CCR 1389-92, 241.

of the aristocracy ¹³⁵ and it seems possible that a great many merchants found their major employment in this type of service. Whether the merchant simply performed the duties of a hired servant or whether he too invested capital in the enterprises is not clear, but probably both types of association were to be found.

From the earliest days of Scottish trade, merchants had served the crown by importing luxuries and household requirements. During the fourteenth century there appears evidence of direct commissions for such enterprises, although such commissions undoubtedly existed earlier as well. The first recorded instance involved the purchase of goods for the wedding of David Bruce. This particular commission was given to a Fleming, but later ones were given to Scottish merchants.¹³⁶ Many other royal household supplies also came from Scottish traders, but in most of these cases it is unclear whether the purchases were commissioned specifically or were simply chosen from what the merchant had brought back to Scotland.

The fact that a merchant did not always act only for himself is shown in a request by the merchants to the count of Flanders, asking that if a merchant was sentenced to death in that country not all his goods be confiscated as Scottish merchants coming to Flanders were the servants of others and not all their goods were their own.¹³⁷ Probably this referred mainly to those involved in merchant partnerships, but it could also apply to those who carried out commissions for members of other classes.

135. In 1291 Walter Deacon, burgess of Perth, was given a safe-conduct to trade in England as the merchant of the countess of Fife, Stevenson, Documents, i, no. 131. For a late thirteenth-century contract in which a Berwick merchant agrees to serve a lord, see Yester Writs, no. 17.

136. ER, i, cxiv-vi; Rot. Scot., i, 945, 949, 959.

137. Rooseboom, Staple, app. no. 8.

Among the earliest fourteenth-century examples of Scottish merchants supplying goods for specific markets are those given licence by Edward III to purchase supplies for the garrison at Berwick and other strongholds in Scotland under English control. In 1321 Edward was prepared to allow Scottish merchants to come to England on a more personal trading mission and purchase cloths, jewels and other supplies for the chamber of the Countess of Fife. This was the first of many such English licences in which the merchants were given permission to purchase supplies, especially food, for the household of their employer. In 1331 David II was allowed to buy 400 quarters of wheat and malt from Lincoln and this transaction would most likely have been carried out by merchants in his service. Merchants also secured supplies for the Scottish queen in the late 1350s.¹³⁸ Most of the safe-conducts, however, involved the purchase of food for influential figures outside the royal family, men such as John of the Isles, Sir Archibald Douglas, the earl of March, the earl of Fife and the bishop of Glasgow among others.¹³⁹ In some cases, safe-conducts were granted at the request of a prominent Scottish figure, and it seems quite possible that the merchants named would be involved in securing supplies for their patron. Such requests were made by the queen in 1357 and 1358, Sir Archibald Douglas in 1359, the earl of Sutherland in 1361, the Scottish chancellor in 1384 and the earl of Fife in 1385.¹⁴⁰ The timing of the last two shows that conflict with England did not always result in a complete cessation of trade.

138. CDS, iii, no. 149; Rot. Scot., i, 142; CPR, 1317-21, 587; CDS, iv, nos 815, 823.

139. CDS, iii, no. 1639; Rot. Scot., i, 932, 933; Rot. Scot., ii, 2, 7, 119.

140. Rot. Scot., i, 815, 822, 839-40, 854; CDS, iv, nos 322, 324.

Certain individuals were referred to as the merchants of a particular lord, and, as there are rarely any records of such men trading independently, it seems likely that they were employed solely in this capacity. The earl of Fife and Menteith refers to John de Bondington as "his merchant" in 1385, and the six "merchants of the Isles" given a safe-conduct in 1357 at the request of John of the Isles were probably similarly in his employ.¹⁴¹ Other merchants, however, seem to have acted as servants for a number of different employers, sometimes at the same time. In 1369 Thomas Clydesdale was given one safe-conduct to purchase food in England at the request of Sir Robert Erskine and another one at the request of the bishop of Glasgow. Some merchants occasionally fulfilled special commissions, but generally acted independently. In 1360 John Wigmer, a prominent Edinburgh merchant and burgess, was granted a licence to purchase falcons in Scotland and take them to England for Edward Balliol.¹⁴²

The aristocracy did not only participate in commerce as customers. The custumars' accounts contain several references to the remission of customs on wool to people such as the earl of March, the countess of Douglas, and the earl of Douglas. The right to export a certain amount of goods duty-free was sometimes granted to individuals by the crown, the abbot of Melrose having his licence to export fifty sacks of wool without paying customs confirmed in 1394.¹⁴³ In the case of ecclesiastical or baronial burghs, the overlord might be given a "grant of cocket" which gave him the great customs of the burgh, thus allowing him to export

141. CDS, iv, no. 324; CDS, iii, no. 1639.

142. Rot. Scot., i, 932, 933, 848.

143. ER, ii, 132, 601; ER, iii, 153, 117, 187; APS, i, 500.

his goods duty-free. The abbot of Arbroath was granted this privilege in 1357. Thus non-merchants were enabled to participate in the export trade, although it is likely that most of the responsibility for the disposal of the goods was delegated to the merchants.¹⁴⁴

In one aspect of trade, a number of members of the upper classes seem to have played a more active part. This was the piracy which was a common feature of the maritime life of the time. Conflict between two countries was often used as an excuse for uncontrolled privateering,¹⁴⁵ and in this the fourteenth-century merchant was often deeply involved. The companion of the earl of Mar on many of his piratical ventures was Robert Davidson, the famous provost of Aberdeen who led the burgesses at the Battle of Harlaw in 1411. Scots were also to be found among the followers of some of the most notorious pirates of the century, including the Fleming John Crabbe in the First War of Independence and John de Sancta Agatha in the Second War.¹⁴⁶

Much of the piracy engaged in by the merchants during the early part of the century was largely attributable to the conflict with England. If trade with the Continent was not to be entirely cut off the English blockade had to be run and this often involved attacks on English shipping. Scotland's allies on the Continent

144. ER, i, c-ci. In 1391, the ship of Adam de Ballon was captured. Sir John Abernethy had a share in the cargo, Hanse, iv, no. 28.

145. Nicholson, Scotland, 82; CDS, iii, no. 549; CPR, 1313-17, 235. Despite Nicholson's contrast of the law-abiding merchant and the less restrained noble, Scotland, 267, it does not seem that Scottish merchants were averse to privateering.

146. Fischer, Germany, 5; Lucas, 'Crabbe', 338. Lucas sees Crabbe's career as showing "the character of medieval piracy and some of the innumerable vicissitudes incidental to the life of merchants, especially at the opening of the Hundred Years War", Ibid, 334. See also CCR, 1333-7, 462, 484-5.

were happy to help by making their own attacks on English ships as not only did this provide them with free goods to sell, but there was a ready market in Scotland. The Scots could also help in other ways. When Crabbe and Scots from Aberdeen attacked two Newcastle ships, Crabbe had friends from Aberdeen take the goods to Flanders to sell as it was not safe for him there at the time.¹⁴⁷

The effectiveness of the Scottish and Continental piracy is shown by the English efforts to counteract it. In 1313 some merchants of Barton asked for royal permission to equip two ships to set out against the Scots who had taken goods from five of their ships. Such private efforts seem to have been of little use, however, and in 1315 Edward II appointed two men as captains of seven ships which he was sending to "bridle the malice of the Scots". The king's efforts met with little more success than those of his merchants, and the Scottish and foreign merchants and pirates continued to prey on English shipping and bring supplies to Scotland, thus contributing in no small measure to the successful Scottish resistance.¹⁴⁸

Piracy was a two-sided coin, however, and the successful efforts of one Scottish merchant could have a detrimental effect on the enterprises of his fellows. During the fourteenth century a doctrine of collective responsibility prevailed in commercial relations by which all merchants of a certain nationality were held responsible for the actions of each merchant from their country. Thus the goods of Scottish merchants might be seized

147. Lucas, 'Crabbe', 338.

148. CPR, 1313-17, 8, 235. See Reid, 'Traders' for an assessment of the merchants' contribution to the Scottish resistance to Edward II.

in England in retaliation for an attack upon an English ship by Scottish pirates, or letters of marque might be issued which enabled a merchant who had been attacked to prey on ships from the same country as his attackers in order to make good his loss.¹⁴⁹

The pirates and merchants of the Continent were not the only suppliers of the Scots during the Wars of Independence. English smuggling also played a major role. Before the war England had been an important trading partner and many English merchants saw no reason to end the commercial connection, especially during the years that the war was being prosecuted by the unpopular Edward II. Smuggling brought large profits, both because the Scots paid high prices for much-needed supplies and because usually the forbidden goods were taken out of the country uncustomed.¹⁵⁰

Smuggling by English merchants to Scotland continued throughout the century, despite royal efforts to stop it. Inquiries into the illegal trade were ordered repeatedly, but apparently had little effect. Smuggling seems to have been relatively easy, especially when the customs officials were involved. The widespread nature of the smuggling - inquiries were ordered in nearly all the counties of England - suggests that it was a common activity among merchants.¹⁵¹ Undoubtedly,

149. CDS, iv, no. 250; CCR, 1389-92, 433-4; CCR, 1377-81, 39. That the Scots also suffered from piracy is shown by the £500 paid by the chamberlain in 1380 to outfit two ships to send against English pirates, ER, iii, 651.

150. Reid, 'Traders', 213-15.

151. Goods were smuggled from as far away as Southampton and Wiltshire, CPR, 1343-45, 170. The main centres, however, were the east coast ports, Reid, 'Traders', 215. Some of the wealthiest merchants of Newcastle were engaged in such activities, J.B. Blake, 'Medieval Smuggling in the North-east: Some Fourteenth-century evidence' in Archaeologia Aeliana, 4th ser., xliii (1965), 252. For smuggling methods, see Ibid, 247, 249-52, 254-60. Goods were also smuggled from Ireland, Nicholson, Edward III, 188.

Scotland's merchants also partook in such activities, quite apart from their cooperation with the English smugglers.¹⁵² Smuggling methods could include an individual with the privilege of exporting goods duty-free exporting other merchants' goods in his name, sailing from a remote part of the coast or even from a port and hoping that it wouldn't be reported, bribing the customars,¹⁵³ or whatever other method ingenuity could devise.

Even during times of truce or peace when trade with Scotland was permitted by the English kings, certain articles were prohibited from export to the Scots. These included arms, victuals and horses,¹⁵⁴ and often wool as well. In peacetime, when there was less demand for military supplies, wool seems to have been one of the most frequently-smuggled commodities. This was due less to Scottish demand for English wool, than to the opportunity to take advantage of the lower Scottish customs rates. English subsidies imposed in the fourteenth century had raised the customs on wool exported from English ports to £2 per sack, whereas in English-held Berwick, which had been granted a low customs rate in order to encourage English settlement there, it was 6s 8d and in the Scottish ports even after 1368 it was 26s 8d. The merchants of Newcastle had a particularly strong motive to ship their wool from Berwick and the Scottish ports as the lower quality, and therefore the lower market price, of northern wool meant that they paid proportionately

152. CPR, 1343-45, 280; Cal. Inq. Misc., iii, no. 972.

153. Guy, 'Export Trade', 18.

154. CDS, iii, no. 1396. By prohibiting the export of food, the English king could raise additional revenue by selling licences of exemption. Such prohibitions, therefore, did not result necessarily in the complete cessation of trade.

more in customs than did their fellow-merchants further south.¹⁵⁵

The trade in English wool appears in the Scottish customs records from 1361-2. It is interesting to note that the Scots seem to have given additional encouragement to the shipment of English wool by permitting it to be exported at a lower rate than Scottish wool. The English smuggling was in Scottish interests as it enhanced the customs revenue, partly compensating for the money diverted to the ransom payments. From 1362 to 1377, 6619 sacks of English wool were exported, 1800 of these being shipped in 1373-4.¹⁵⁶

One other irregular form of trade grew out of the Anglo-Scottish wars. Ransoms were often paid in kind rather than in cash. One of the earliest examples of this occurred in 1320 when Edward II permitted 1000 chalders of coal to be sent from Newcastle for the redemption of an English prisoner. It seems possible that many of the Scottish merchants released from English captivity in 1356 might have paid their ransoms in wool or other such goods. Malt was a common commodity used for ransoms in the 1380s, but sometimes a great variety of goods were involved. In 1388 John Hull of Liverpool was given licence to take beans, peas, oats, malt, flour, cloth, muslin, knives and belts to Scotland to redeem himself and other captives.¹⁵⁷

155. Blake, 'Smuggling', 245; Constance Fraser, 'The Pattern of Trade in the North-East of England, 1265-1350' in Northern History, iv (1969), 61; Constance Fraser, 'Medieval trading restrictions in the North East' in Archaeologia Aeliana, 4th ser, xxxix (1961), 141-2.

156. Campbell, 'England, Scotland', 204-5. Most of the wool was shipped from the southern burghs such as Edinburgh and Haddington. See customars' accounts in ER, ii. It appears that the English wool was not subject to the increased customs rate imposed for the ransom payments.

157. CDS, iii, no. 698; Rot. Scot., i, 797, 798; Rot. Scot., ii, 31, 72, 91. The John Hull incident is described in detail in Denys Hay, 'Booty in Border Warfare' in TDGAS, xxxi (1952-53), 151.

This licence of 1388 gives some idea of the variety of goods which was imported into Scotland during the fourteenth century. The chamberlain's accounts list a variety of articles purchased for the king from various merchants active in international trade. Exotic foodstuffs which could not be grown in Scotland's northern climate, including spices and wine, were brought from overseas in merchants' ships or sometimes purchased in England and carried to Scotland by land or sea. The royal demand for luxury foods was accompanied by a demand for luxury manufactured goods. Jousting equipment, suits of armour, velvet, cloth of silk, pewter vases, brass pots and articles of silver were among the objects purchased for the use of the king.¹⁵⁸

The most common entry in the accounts of goods purchased by the royal household was wine, which, to judge from the amounts imported, was the main drink of the upper classes. Payments for wine were often made as part of a sum for other victuals or goods as well,¹⁵⁹ suggesting the diversity of goods in which the merchants supplying the royal household dealt. Unfortunately, the chamberlain's accounts share in the taciturn nature of the customars' accounts to a certain extent, and the most frequent entry is "for divers goods", leaving unanswered the questions about the nature of many of the king's luxury imports.

It was not just luxuries which were imported, however. Manufactured goods of every description, as well as raw materials, were brought into the country. Indeed, Stevenson

158. Rot. Scot., ii, 47; ER, i, 531; ER, ii, 168, 169, 360; ER, iii, 110, 170.

159. ER, ii, 526.

suggests that the Scottish demand for all sorts of manufactures was probably a prime concern of both the merchants and craftsmen of Bruges in their efforts to keep the Scottish staple there.¹⁶⁰

A description of the contents of a Scottish ship arrested and plundered at Lynn in 1394 illustrates the diversity of goods which could be shipped in one voyage. Included in the cargo were two pieces of canvas containing 100 ells, seven new and three old swords, 25 gold nobles of English money, woollen and linen cloth, wax, pepper, brass pots and plates, ewers, basins, linen thread, woad, madder, white and black dyed wool, iron, combs for carding wool, hose, caps, hoods, saddles, bridles, spurs, boots, gloves, shuttles for weavers, paper, parchment, candelabra, a basinet, red leather and keys and locks. These goods were shipped by four merchants. In 1368 a single Aberdeen merchant shipped the following from Flanders: a pipe of red wine, 30 silver groats, silver ore and specie, three gold rings, a pipe of woad, three casks of "waddase", 28 wey of coarse salt and seven quarters of peas.¹⁶¹

Food shortages and the devastation of fertile crop-growing areas by war meant that food supplies were an important import for much of the century. Licences were granted by the English kings to both Scottish and English merchants to take grain, malt and oats to Scotland. During the Wars of Independence, the supply of foodstuffs to the English armies also proved a profitable

160. Stevenson, 'Low Countries', 219.

161. CDS, iv, nos 462, 162. Stevenson points to such cargoes as a peculiarity of the Scottish trade, saying that most nations imported entire cargoes of one commodity from the Low Countries, while the Scots usually loaded a diversity of goods, Stevenson, 'Low Countries', 225, although Lloyd suggests that not all English merchants specialised as much as is generally thought, Lloyd, Wool Trade, 308. Here, the number of items related to the production of cloth perhaps reflects a growing trend to manufacture better-quality cloth domestically in the late fourteenth century. See CFR, vi, 457-8 for a detailed cargo list and the prices the items would cost in Flanders. See also Duncan, 'Perth', 47.

business to those Scottish merchants who had sworn allegiance to the English crown. Sometimes, these provisions ended up in the wrong hands. In 1316 the ship of a burghess of Berwick who had secured supplies in England for the town was seized by men of Lübeck, Stralsund, Rostock and elsewhere, and carried off to Scotland where the goods were sold to the Scots.¹⁶² Some English merchants risked the king's displeasure and smuggled large quantities of foodstuffs to Scotland. Victuals were also imported from other countries. In 1369 John Gill of Perth shipped a cargo of barley from Normandy, and by the end of the century, Scottish merchants were going to the Baltic ports for grain.¹⁶³

One commodity which was brought to Scotland seems to have been used rather to permit the export of a Scottish product than for domestic consumption. In 1367, Edward III gave permission to two men of London to take 100 quarters of salt to Scotland in order to salt fish there to bring back to England. Another shipment from London of cloth, wine and salt in 1393 suggests a similar use for the salt as the shippers were fishmongers. Apparently the salt found in Scotland was not well-suited to preserving fish, but salt brought from the Bay of Bourgneuf by merchants from England and Flanders helped make up the lack.¹⁶⁴

More bulky commodities included coal, which was becoming an increasingly important English export in this period. In 1381-2, five ships of Dundee and one of Perth took coal from Newcastle, and

162. CDS, iii, nos 146, 149, 430, 537. The ports of the Wash were important suppliers of corn from the thirteenth century, Eleanora Carus-Wilson, 'The Medieval Trade of the Ports of the Wash' in Medieval Archaeology, vi-vii (1962-63), 184-5.

163. CDS, iv, no. 151; Nicholson, Scotland, 266.

164. Rot. Scot., i, 911-12; Rot. Scot., ii, 120; Davidson, Staple, 89-90; Stevenson, 'Low Countries', 223.

in 1390 Scottish ships carried coal from the English port to Edinburgh.¹⁶⁵ Timber was included among the items smuggled from England in 1343, but in general most of the supplies seem to have come from Norway and the Baltic. Baltic timber was 'being used in the 1330s, and a purchase of timber was made by the chamberlain from Baltic merchants in 1382. Iron, a major import, generally originated in Spain, but was bought in Bruges or Middelburgh.¹⁶⁶

One import of which there is almost no documentary evidence but which looms large in the archaeological record is pottery. Pottery evidence must be treated with care, as it was often brought into the country as the containers for goods rather than as an actual import for sale. Nor can it be taken as evidence of direct trade links with its country of origin as it may have reached Scotland through an entrepôt. However, probably some of the Continental pottery was used domestically and it seems almost certain that the wares from Yorkshire and Scarborough which are found in large numbers at almost every excavation enjoyed popular Scottish use. Local imitations suggest their widespread use. Pottery also came from France, the Low Countries, Spain and Germany, and it is possible that there were short periods of occasional trade in ceramics with these countries.¹⁶⁷

165. J.B. Blake, 'The Medieval Coal Trade of North East England: Some Fourteenth Century Evidence' in Northern History, ii (1967), 16. The references to Scottish trade found in the surviving Newcastle customs accounts suggest that a search of all the English particular accounts for the period might throw further light on the nature of Anglo-Scottish trade.

166. CPR, 1343-45, 190; Davidson, Staple, 92; Nicholson, Scotland, 266; ER, i, 410, 411; ER, iii, 659; Stevenson, 'Low Countries', 223.

167. MacAskill, 'Pottery', (SUAT) 1, 11, 22; M. Kenworthy, 'Analysis of the Fabrics', 123, 125; C.M. Brooks et al, 'Pottery from Shore Brae' in Aberdeen Excavations, 172.

Textiles were a common import. Several varieties were imported from England, worsted being among the goods for which the earls of Fife and Douglas sent two merchants to England in 1378, but probably the major source of this commodity for most of the century was Flanders. In many cases, the imports of woollen cloth represented the return of Scottish wool to its place of origin but in a different form. Sometimes, luxury fabrics such as silk from Italy, Spain or the East were imported, but in general it was the Flemish cloth which was in the largest demand. Coloured and striped woollen cloth, canvas, napery and towelling were all common among the imports from Flanders.¹⁶⁸

As well as supplying finished cloth for the Scottish market, Flanders played a part in the Scottish domestic cloth industry. Dyes, mordants, soaps and teasles were imported by the early fourteenth century, and the cargo lists mentioned above show many of the articles used in cloth production coming from Flanders. The Flemings also participated in other stages. In 1366 a pocket of wool was exported from Montrose to be dyed, and better-quality Scottish cloth was sometimes sent to Flanders for finishing before being reimported. Indeed, Flanders even provided a market for the cheap Scottish cloth which helped supply clothes for the poorer inhabitants of the country.¹⁶⁹

To pay for her imports Scotland exported a variety of goods, the most important of which were the staple goods of wool, woolfells and hides. Because these were the only items on which customs was

168. Rot. Scot., ii, 7; Bennett, 'Aberdeen Textiles', 198; Muthesius, 'Silk' (SUAT), 1; Muthesius, 'Loom woven silk', 56; Bennett, 'Textiles' (PHSE), 78; ER, i, cxiv-vi.

169. Assisa de Tolloneis; ER, ii, 238; Stevenson, 'Low Countries', 222, 254.

paid for most of the century, it is difficult to determine what proportion of the country's exports these goods represented, but the impression gained from other sources is that they were indeed Scotland's most important exports. Most of the Scottish ships sailing to Flanders of which there are records were laded mainly with Scottish staple goods.¹⁷⁰

Scotland did export other goods as well, however. The trade in livestock seems to have been a fairly flourishing one. Six horses were carried overseas to Flanders in 1368, but the main market was apparently in England. Horses, oxen, cows and other animals were sold in England to help pay for the ransom of a Scottish prisoner there in 1316, and in later years English safe-conducts were granted to both Scottish and English merchants to participate in this trade.¹⁷¹ It seems likely that the export of livestock to England usually involved the driving of the animals overland rather than bringing them by sea.

Another common export was fish, of which salmon was especially in demand. Several of the English safe-conducts licensed English merchants to go to Scotland to buy salmon and other goods, implying that salmon was the most important purchase. It was probably in order to salt salmon that most of the salt was brought from England, although herring and cod were also sent abroad. By 1398, salmon was seen as an important enough export to be one of the commodities on which new export duties were levied.¹⁷²

170. CDS, iii, no. 1451; CDS, iv, no. 114. It is possible that the Scottish staples were not so predominant in ships sailing to countries further north, but unfortunately there is little evidence of the contents of such vessels.

171. CPR, 1364-68, 451; CPR, 1313-17, 455; CPR, 1321-24, 333; CDS, iii, no. 1505; Rot. Scot., i, 881, 915. In 1370 an export tax was imposed on horses, ER, ii, 351.

172. Rot. Scot., i, 928; Rot. Scot., ii, 104; CPR, 1358-61, 336-7; ER, iii, p. lxxxi.

The other goods, reflecting Scotland's agricultural base, were horses, suet, salt meat and butter.

Throughout the fourteenth century, Scottish trade had a role to play in the commerce of northern Europe,¹⁷³ and increasingly international commercial enterprises became a central activity for many burgesses, contributing greatly to their prosperity. In turn the prosperity resulted in more links with the landed classes whom they supplied with goods, and many of whom they began to equal in wealth. As suppliers of the royal household, their connections with the Crown also increased. Perhaps most important of all, as promoters of trade, both through their diplomatic activities on behalf of the king, and through their commercial enterprises on behalf of themselves, they played a major role in the development of Scotland's nationhood in the fourteenth century.

173. Even if its role has been ignored by historians such as Postan who in his essay on medieval trade in Northern Europe does not once refer to Scotland, M.M. Postan, 'The Trade of Medieval Europe: The North' in The Cambridge Economic History, ii (Cambridge, 1952).

CHAPTER FIVE

THE BURGESSES AND THE KINGDOM

There has been a tendency in historical writing about the medieval Scottish burgh to see it as an enclave of monopolistic privilege, cut off from the rest of society by the rules and regulations designed to maintain and foster its commercial prosperity and enterprise.¹ However, this viewpoint considers the burgh only from the angle of its legal status, leaving out economic and social considerations. Although the burgesses might be governed by a separate code of law and enjoy certain trade monopolies, in many ways they forged close ties with or became at least partially integrated into those groups which made up the rest of the kingdom.

From the first days of the burghs, the dependence of the inhabitants on the hinterland ensured that the burgh gates symbolised entry to rather than exclusion from the town. As the burghs grew and trade developed the interdependence of town and country increased. While the expanding burghs depended ever more on the resources of the countryside, those living in the hinterland increasingly relied on the trade of the burgh to dispose of their surplus produce and to provide manufactured goods.

The reliance of the burghs on their hinterlands to supply food for a growing population of ever more specialised craftsmen and merchants who had less time to devote to the production of

1. Ballard, 'Theory of the Burgh', 16-17; Mackenzie, Burghs, 39; Neilson, 'Burghal Origins', 132; Mackintosh, Civilisation, 246-7, 459. Mitchison suggests such a picture for the early burghs, but thinks that the situation was soon modified, Mitchison, Scotland, 27-8. The former picture of sharp dichotomy between town and country in Europe is also being modified, Nicholas, Town and Countryside, 9-10.

their own food has been noted by several historians, but normally their account of this dependence is taken no further.² In fact, the reliance of the burgh inhabitants on their rural environment was much more widespread.

From their very beginnings the burghs were dependent on the hinterland for a basic resource, that of population. The lack of demographic statistics means that the relative proportion of foreign and native settlers which populated the early burghs cannot be determined, but even if a burgh was at first largely settled by foreigners, it seems likely that its continued growth and prosperity would depend on the recruitment of settlers from the local country population. In England it has been estimated that urban families often died out after about three generations.³ Certainly, by the fourteenth century, the surnames of many of the burgesses of most burghs suggest a local origin for their families.⁴ In human terms, this resulted in links between the new burgh inhabitants and their relatives in the countryside, ensuring constant communication between town and country. Some country-dwellers had contacts with particular burgesses as the landlords

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2. Mackenzie, Burghs, 63; Duncan, Scotland, 471. However, Duncan does stress the interdependence between town and country more strongly in 'Perth', 37.
 3. Reynolds, English Towns, 163; Gottfried, Bury St. Edmunds, 159, 168, n.46. Because of the lack of records and the fact that the time period covered here is only one hundred years, it is difficult to judge if this was the case in Scotland, but it does seem that many urban families disappeared after three generations.
 4. Barrow, Kingship and Unity, 92-3. Edinburgh surnames included Currie and Duddingston; Haddington surnames included Biggar, Ayton and Congalton; Aberdeen had Tough and Arbuthnot; Linlithgow had Bathgate; Dundee had Inverpeffer; Perth had Pitscottie and Strathearn. See Black, Surnames, for other local names. The same was true of English boroughs, Reynolds, English Towns, 70-1.

of country estates. Others came into contact with the burgh at the weekly market. Although the restrictions on trading outwith the burgh could be annoying, when and if they were strictly enforced or observed, the market system did have advantages in that it afforded a larger demand for the produce of the country people and gave them the opportunity to purchase such manufactured goods as were produced in the burgh, at a time when they had money in their hands from their own sales.

The market was the main source of supply for basic foodstuffs for the burgh inhabitants, but urban families were also capable of exploiting the countryside themselves. Those who owned country estates could secure supplies in the form of rents paid in kind, but for less wealthy members of the burgh, there were the common lands of the burgh itself which could be cultivated or used to graze livestock.⁵ The mills attached to the burghs suggest that the burgesses were expected to grow some of their own food supplies.⁶ Produce could also be grown in small plots in the long narrow rigs stretching back from the frontages, and the finds of medieval garden earth at many sites in Aberdeen, Perth and Inverness, suggests that small-scale cultivation within the burgh was not uncommon.⁷

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5. Dundee's feu-farme charter states that the burgh could use the common lands for all types of agriculture, Dundee Chrs., 12. Alexander Fenton suggests an extra element in the interdependence of town and country, pointing out that the burgh could supply the surplus labour required at harvest time, Alexander Fenton, 'Sickle, Scythe and Reaping Machine. Innovation Patterns in Scotland' in Ethnologia Europaea, vii, no. 1 (1973-4), 5. In Europe, burgesses often contributed capital to stockraising, Duby, Rural Economy, 48-9.
 6. For burgh mills, see Ash, List of Mills, under burgh names. Also ER, i, ii, and iii, under index heading 'mills'. Montrose had both wind and watermills, ER, ii, 491, disproving the statement that the earliest reference to a Scottish windmill comes from the mid-fifteenth century, Ian L. Donnachie and Norma K. Stewart, 'Scottish Windmills - An Outline and Inventory' in PSAS, xcvi (1964-66), 276.
 7. J.C. Murray, 'Conclusions', 248; Wordsworth, 'Castle Street', 322; Blanchard, '45 Canal Street', 7. Many medieval Scottish burghs retained a distinctly rural appearance, Shead, 'Glasgow', 2. Duby stresses the importance of agricultural activity in many European towns, Duby, Rural Economy, 128.

It was not only foodstuffs which the burgesses obtained from the hinterland. The raw materials for almost every aspect of burgh life, from house-building to heating and industry, were supplied mostly by the country surrounding the burgh. Even the styles of the backland houses are thought to have reflected the traditions of the rural buildings which housed the majority of country people.⁸ The wattle-and-daub houses demonstrated especially well the reliance on the countryside, as, for a small house of about three metres square, the buildings required about 1000 wattles, posts, clay for daub, and heather, broom or similar materials for thatching.⁹ Where timbers were used in less well-built houses, they probably represented the gleanings of the town's environs or the town itself rather than woodlands. The wood used in the buildings at Kirk Close in Perth probably came from several sources, including the banks of the Tay, hedges and wayside trees. In fact, the countryside probably exercised an additional influence on the type of houses in which the burgh inhabitants lived, as, at Kirk Close, it would appear that the availability of suitable timber determined the construction of the excavated buildings.¹⁰

Heathland and marsh plants found near many burghs had several uses. Heather, bracken and mosses provided bedding materials. Moss could also be used for packing, making ropes, or even a form of 'toilet paper'. Heather, broom and grasses thatched the roof, while other vegetation might be laid down

8. H. Murray, 'Aberdeen Buildings', 228.

9. J.C. Murray, 'Conclusions', 248.

10. Crone, 'Kirk Close Structural Wood', 2-3.

under foot to help dry up damp floors. This was probably cleared out periodically and returned to the fields as compost, thus renewing the connection between burgh and country. Sand, probably brought from a nearby river bed, helped level the floors of Inverness houses.¹¹

The daily diet, based on cereal grains, could be supplemented by gathering plants and berries which grew either in gardens or near the burgh. In Aberdeen, the remains of blaeberrries, rowans, brambles and raspberries have been found. At Perth, cabbage, turnip, swede and kale were apparently cultivated. Elderberries and raspberries were among useful wild plants here.¹²

Food supplies could also be supplemented through hunting and fishing, again activities which involved burghess interaction with the countryside. Animal remains uncovered so far suggest that the percentage of venison in the local diet increased the more northerly the burgh, implying a possible erosion of hunting rights in the more southerly burghs, or a lack of deer due to deforestation.¹³ Most burghs had fishings pertaining to them and these were often let out to the burgesses.¹⁴ A valuable natural resource was therefore exploited to provide income for the burgh and an additional food source for the burgesses.

11. H. Murray, 'Perth Buildings', 85; 'Botanical Report' (SUAT), 12, 13, 15-16; Wordsworth, 'Castle Street', 386.

12. Fraser, 'Plant Remains', 243; 'Botanical Report' (SUAT), 6.

13. Hodgson, 'Three Burghs', 3, 10. However, hunting rights might be restricted in northern burghs as well. When the keeping of the Forest of Stocket was granted to the burgesses of Aberdeen in 1313, all game was reserved to the king, Abdn. Chrs., no. 6.

14. Abdn. Recs., 83-4; Banff Annals, ii, 377-8; MA, M/WC/1; SL, 859/23/3.

The raw materials for burgh industry also came from the hinterland. As well as wool for the cloth industry and hides for leatherworking, there was flax for the manufacture of linen and oil, timber for woodworking, clay for the local pottery industry and animal bone and horn for the varied articles customarily made from these substances.¹⁵ Some of the finished products of these industries probably returned to the hinterland on market days.

Many of the plants and animals found outside the burgh were to be found within the burgh as well, although perhaps in smaller quantities. Burgage plots often lay unbuilt on and waste for some time and during this period weeds and wild plants might flourish there.¹⁶ They might also flourish in the back yards of inhabited burgages, the seeds being blown there from nearby fields or marshes. Some vegetables appear to have been grown in many areas, judging by the frequent appearance of garden earth at several sites. Areas associated with religious houses seem to have had especially large gardens,¹⁷ perhaps providing some of the foods required by those living there, and maybe a surplus which could be sold in the market. At one site in Aberdeen there is even evidence of possible land reclamation by a religious house in the Green.¹⁸ Perhaps market gardening was proving a valuable

15. 'Botanical Report' (SUAT), 16.

16. H. Murray, 'St. Paul Street', 81; St Nich. Cart., 19-20.

17. In 1407 the Dominicans of Ayr granted to an Ayr burgess one piece of their garden, measuring 80' x 20', SRO, RH1/2/628. See also J.C. Murray, '45-49 Green', 87; J. Stones, '67-71 Green 1977' in Aberdeen Excavations, 94; Simpson, Arbroath, 14, 17.

18. Stones, '67-71 Green', 95.

enough occupation to make it worthwhile expanding the area under cultivation, or possibly the population of the institution was expanding. In either case, it seems that the brethren were able to contribute much of their own food requirements from land within the burgh.

There is some evidence of animals being kept within the burgh. Certainly, each of the wealthier burgesses of Berwick in the late thirteenth century was expected to have a horse, and the merchants granted safe-conducts to go to England were expected to travel this way if they did not come by sea.¹⁹ In Aberdeen, it is possible that some apparent property boundaries running across the burgages may in fact be stock barriers, separating the animals from the more domestic area. At Perth, hay has been found which might have been used for wintering animals. At Kirk Close, parts of the plots appear to have been used as stockyards in the fourteenth century, and the evidence of posts there may represent tethering posts. In Aberdeen in 1400, the lands of Rubislaw were used by the burgesses to pasture their animals.²⁰

In some cases the documents themselves reflect the lack of a static distinction between town and country. Malcolm Fleming, earl of Wigton, granted Newbattle Abbey one acre of arable land in the burgh of Dumbarton.²¹ While it is possible that this land was in the common lands surrounding the burgh rather than among the burgh roods, the phrase "in the burgh" shows

19. Statuta Gilde, c.21. Most safe-conducts in Rot. Scot. provide for horses and servants as well as merchants.

20. H. Murray, 'St. Paul Street', 81; 'Botanical Report' (SUAT), 10; Blanchard, 'Kirk Close' (SUAT), 41; Abdn. Recs., 191.

21. Newb. Req., no. 271.

that the burgh was not regarded as a purely urban institution. Indeed, it would perhaps be surprising if the concept of a completely urban settlement did exist in such a feudal society. References to "arable burgage land" and to the arable lands pertaining to tenements and burgages suggest that the connection between the burghesses and the country continued to be an important part of their lives.²²

The links between the burgh and the rest of the kingdom did not lie only in the agricultural nature of many of the burghs. Through the various activities of individual burghesses, connections were formed with the crown, the lords and the church, thus making the burghesses an ever more integral part of Scottish feudal society. Although trade might play an important part in a burghess's career, it was not the only activity which could lead to wealth and status.

Burghesses might be closely linked to the king through lending him money.²³ Royal debts were a common feature of the time, much as are the government debts of today. David II was even forced to pledge part of the royal jewels to a Flemish merchant before 1361. They were later redeemed for £106 13s 4d but in 1362 £100 was paid to the Edinburgh merchant Thomas de Fausyd as part of the money owed to him by the queen for which

22. AUL, MS. M.390, Mass 10/5; MA, Brechin Doc. no.3. Mackenzie is strongly opposed to the idea of the burghess as a farmer, Mackenzie, Burghs, 38, 163-4, but perhaps overstates his case in an attempt to disprove Murray's idea of the agricultural community origin of the burghs. Donaldson perhaps goes to the other extreme in stating that internal trade was not really necessary for the small burghs as they were essentially self-sufficient, Donaldson, Shaping of a Nation, 202.

23. Nicholson, Scotland, 166. Marguerite Wood points out that this was an important activity among the Edinburgh burghesses, M. Wood, Charters Documents and Records Illustrating the History of Edinburgh 1144-1744, (Edinburgh, 1948), 3. Lending money was also a common activity of English merchants, Gottfried, Bury St. Edmunds, 89-90.

she had pledged her jewels.²⁴

Payments of the debts of the king and other members of the royal family occur frequently in the accounts. Unfortunately, it is not possible to determine whether the sums paid out represented loans to the king or were due for goods or services. In some cases a loan is mentioned but in most instances the payment is stated to be for the king's debt. However, whether or not the money represented an official loan or the extending of credit for the purchase of supplies or payment for services, they were still in essence loans by the burgesses to the king, and as such, represented an extra source of revenue for him, albeit one which was supposed to be paid back.

Prominent burgess names loom large among the list of royal creditors but burgesses who were apparently less significant were also to be found involved in this type of business. In 1361, the widow of Alexander Bell, an Edinburgh burgess about whom nothing else is known, was paid 53s 4d for an old debt of the king to her husband. The debts could also be quite small. John de Edinham, burgess of Aberdeen, was paid 20s for a royal debt in 1342.²⁵ About half the recorded debts were for amounts under £10, although, because of a few very large debts, the average amount was approximately £27.

Some burgesses invested large amounts of capital in royal loans. Between 1359 and 1364 Roger Hogg was repaid £172 9s owed to him by the king. The debts owed to John Mercer totalled over £224 by the time of his death, while £400 was the amount of a debt to his son Andrew in 1385.²⁶ It is

24. ER, ii, 80, 115.

25. Ibid., 50; ER, i, 507.

26. ER, i, 607; ER, ii, 10, 65, 90, 117, 131; ER, iii, 652, 673.

not surprising that John Mercer and Roger Hogg were the men entrusted by the king to supervise the payments of the early instalments of the ransom of David II to the English king.²⁷ Handling large amounts of capital was one of their areas of expertise. In the following reigns, Adam Forrester became one of the main royal creditors, being paid for the debts of Robert II and of his son, both as earl of Carrick and as Robert III.²⁸

Other creditors included John Crab of Aberdeen who had a 10 merk loan repaid in 1364, Thomas Leith of Linlithgow who was paid for a 10 merk loan in 1362 and a 41 merk loan in 1371, and William de Fairley of Edinburgh who lent the king money in the 1320s.²⁹ Although those who were the largest creditors tended to come from the most prosperous burghs, there were also creditors in many of the other burghs, including Dumbarton, Glasgow, Irvine, St. Andrews and Inverkeithing.³⁰

In some cases, the loan seems to have been funded by a partnership, much as were many of the trading ventures of the time. In 1364 Adam Tore, burgess of Edinburgh and master of the mint there was repaid £400 with James the moneyer for a loan. A £45 debt was repaid to two burgesses of Aberdeen in 1342.³¹ Usually, however, payments of debts and loans were made to only one person, although this does not rule out the possibility of a partnership behind the funding.

The loaning of money and extending of credit to the royal family did not always prove to be a good investment in terms of

27. ER, ii, 54, 56.

28. Ibid, 621; ER, iii, 86, 690, 187, 239, 341, 371.

29. ER, ii, 167, 116, 358; ER, i, 166.

30. ER, i, 413; ER, iii, 342, 289; ER, i, 171, 212.

31. ER, ii, 175; ER, i, 493.

monetary returns. A number of debts were not paid back within the creditor's lifetime, as the case of Alexander Bell shows. It seems unlikely that Alexander died suddenly after the debt was contracted as it is stated to be "an old debt". A debt of £224 15s 4d was paid to the executors of John Mercer, while part of a debt owed to Alan de Balmossy, burgess of Dundee, was paid to his sons in 1362, after Alan's death.³² Another drawback was faced in 1370 when all royal debts contracted before 1368 were repudiated, an action which appears to have led to a dramatic decrease in the credit extended to the king by the burgesses.³³ Confidence seems to have returned by the 1380s, however, when the amount of money repaid was roughly equal to that expended in the 1360s.

The incomplete nature of the early Exchequer Rolls means that the contribution of the burgesses to the royal revenues in providing credit and loans cannot be assessed for the reign of Robert I or for the reign of David II before his return from English captivity. However, in the years 1357-71 over £950 was expended in repaying such debts. In the reign of Robert II £923 2s 6d was paid to burgess creditors, over £900 of this being paid in the 1380s. Altogether for the fourteenth century the recorded debts to the burgesses totalled just over £2500. Taking into account the incomplete records and the fact that this amount represents only the repayment of the debts, not the debts themselves, it is apparent that the real value of this source of revenue was much higher.

32. ER, ii, 50; ER, iii, 652; ER, ii, 114.

33. APS, i, 507. This apparent decrease may be due to the nature of the records, however. Debts were recorded only when they were partially or wholly repaid, making it difficult to determine if the decrease was a result of fewer loans or fewer repayments. Moreover, some of the records for the 1370s are missing.

As well as providing money to the king the burgesses were actively involved in securing furnishings, victuals and clothing for the royal household.³⁴ The return of David II from England provided a new demand for such articles and the burgesses were quick to take advantage of the expanded market for imports as well as domestic products. Indeed the court of David II seems to have provided the largest market for such goods in the later years of the century, with recorded payments to the burgesses totalling almost £1500 in 1359-71, as compared to about £430 for Robert II.³⁵ In the 1390s the sum expended on goods provided by individual burgesses was £170 13s 5d.

With their monopoly over foreign trade and their commercial enterprises the burgesses were well-suited to providing the foreign goods required by the royal court. Of these, one of the most frequently mentioned is wine. Increasingly the main drink of the upper classes in England, wine was one of that country's major imports,³⁶ and it seems that the drinking habits of the English were echoed in Scotland. Wine payments described as such made up over 15% of the payments to individual burgesses for household supplies,³⁷ and probably many more were included under the heading "divers things". The price of wine varied, a pipe usually being between £4 and £5, and a tun between 10 merks (£6 13s 4d) and £8.³⁸ Usually the wine went to provision

34. As Duncan points out for Perth, the visits of the king's court to various burghs would give the burgesses the chance to make connections and contracts with the royal household, Duncan, 'Perth', 39.

35. The figure for Robert II's household is lower than it should be, due to missing records. The expenses for the 1380s totalled approximately £385.

36. Carus-Wilson, Medieval Merchant, 265-71. In the thirteenth century, the Scottish royal household was the most important customer for wine in the kingdom, Duncan, Scotland, 509.

37. Total payments were £2203 6s 2d. Wine payments were £343 15s 1d.

38. ER, ii, 126, 115-16, 221; ER, iii, 569; ER, i, 597.

the royal family but occasionally it was sent to others as a gift from the king. In 1379 one tun of wine was sent to Sir John de Danielston at the king's mandate.³⁹

The royal kitchen benefited from the burghesses' provision of foodstuffs. Much of the food supplied consisted of fish and came perhaps from the fishings which many burghs possessed. Bought by the burghesses at the burgh market, it could then be sent to the king. In other cases, the victuals might represent the produce of the burghesses' country properties. The burgh of Perth often supplied the king with large numbers of salmon and it seems therefore that payments for salmon to individual burghesses of Perth might indicate that the supplies from the burgh fishings were being supplemented from the fishings of individual burghesses. Certainly, it is likely that the oats supplied to the king in 1397 by William Crumby, burghess of Haddington, were from his own lands as he had corn fields near Haddington in that year.⁴⁰

Exotic foods such as spices and sugar were brought from abroad and in times of shortages wheat and malt were imported from England. Henry de Dunbar, a Scottish merchant, was given an English safe-conduct in 1369 to bring back forty quarters of malt from England for David II. This was not always a secure source of supply. In 1328, twenty quarters of wheat, shipped by a burghess of Berwick from Picardy for the royal wedding, was plundered on its way to Scotland, while in 1364 victuals bought for the king by a burghess of Aberdeen were captured on the sea.⁴¹

39. ER, iii, 606.

40. Ibid, 428, 486, although the king's horses had damaged some of the crop.

41. Rot. Scot., i, 930; CDS, iii, no. 960; ER, ii, 168-9.

The above three examples imply that these particular merchants were commissioned to purchase certain foodstuffs. In other cases, the necessary supplies might be bought in the burgh at the market, sometimes with an arrangement for the goods to be carried to the king's place of residence. In 1359, Laurence de Garvock, burgess of Aberdeen, was paid 53s 4d for wheat carried to Monymusk. John de Cairns, burgess of Linlithgow, was paid £8 16d in 1389 for divers carriages of wine and other necessities for the king's use in 1387.⁴² Responsibility for the provision of victuals might also lie with an individual in charge of arranging the king's accommodation at a particular place. John Mercer was repaid for the king's expenses at Perth during two stays there in 1359 and in 1360 and was also paid for wine in the same year, implying that his duties included the feeding of the king and his servants. Matthew Ferrour, burgess of Stirling, was paid £3 in 1388 for victuals for the king's expenses at Stirling.⁴³

Cloth of various types was supplied by the burghesses. For David's wedding in 1328, most of the cloth was provided by Flemish merchants, but later in the century Scottish merchants also took part in this trade. William de Leith, burgess of Aberdeen, was paid 56s for cloth in 1366 and 60s for velvet in 1364. John Broun, burgess of Stirling, supplied cloth worth 48s for which he was paid in 1388. Cloth was probably also among the purchases recorded as "divers things for the wardrobe".⁴⁴

42. ER, ii, 32; ER, iii, 189-90.

43. ER, ii, 50, 51; ER, iii, 178.

44. ER, ii, 169, 222; ER, iii, 178; ER, ii, 129; ER, iii, 176-7.

Furs were bought from the burghesses, often at the same time as cloth. In 1342 £6 10s was paid to Richard Rokpot of Aberdeen for $1\frac{1}{2}$ pieces of cloth and 4 furs of white budge. Furs bought from Henry Gerland, burghess of Edinburgh, cost £8 in 1394. The ill-defined line between merchant and craftsman is shown by a payment to Bridinus the butcher at Banff for cloths and furs bought for the king in 1342.⁴⁵

Military supplies, both for warfare and tournaments, were provided. John de Aberlady supplied jousting equipment to the king after his return from France. Armour provided by Alexander son of John, burghess of Linlithgow, may have been intended for use in a tournament held at about the same time. Laurence de Spens, burghess of Perth, was paid £4 16s 8d for divers necessities for a tournament in 1380.⁴⁶ Munitions for the royal castles showed the burghesses combining business interests with a contribution to the defence of the realm. Patrick de Lumley, burghess of Lanark, provided £27 worth of supplies to Edinburgh Castle, probably ordered in anticipation of the English attack of 1385. Among the items were saltpetre and sulphur, suggesting an early use of firepower.⁴⁷ In 1370, John Crab of Aberdeen was paid £15 11s 5d for buying munitions for Edinburgh Castle in Flanders.⁴⁸ Crab also made a monetary contribution to the

45. ER, i, 530; ER, ii, 322; ER, i, 477.

46. ER, i, 531; ER, ii, 168, 129; ER, iii, 37.

47. ER, iii, 672. Guns were in use in Scotland by the 1380s, David H. Caldwell, 'Royal Patronage of Arms and Armour Making in Fifteenth and Sixteenth-Century Scotland' in Scottish Weapons and Fortifications 1100-1800, ed. David H. Caldwell (Edinburgh, 1981), 74.

48. ER, ii, 346-7. This type of commission suggests that there may have been some family connection between Crab and his namesake from Berwick who helped fortify that burgh against the English, ER, i, 64.

kingdom's defence, although possibly not on his own initiative, as he was repaid for his purchases at a deduction of one-third.⁴⁹

The nature of most of the goods supplied by the burgesses is hidden behind the descriptions "divers things" and "furnishings". Payments for such goods came to over half the total sum expended on items supplied by the burgesses, and individual payments were among the highest ones made. Patrick de Innerpeffer, burgess of Dundee, received £108 9s 9d for "furnishings" in 1388, while John Mercer was paid £238 6s 10d in 1364.⁵⁰ Such terminology tends to support the belief that most Scottish merchants dealt in a variety of commodities rather than specialising in one particular article. Miscellaneous references show that these goods included objects such as brass pots, salt-cellars, silver basins, balances and wax.⁵¹

Some burgesses supplied the king with articles of their own manufacture. John the Goldsmith, burgess of Edinburgh, was paid 46s 8d for making a mace bought for the king in 1359, and £27 17s in 1361 for making divers ornaments for the king. Robert Rollo, a baker of Aberdeen, received payment for supplying provisions for the king at Aberdeen, Kindrochit and Glenconglas in the 1380s. Other royal services performed by the craftsmen of various burghs included the making of armorial bearings for the king by John Painter of Aberdeen in 1364 and the making of clothes for the royal family in Aberdeen in 1343 and in Perth in 1383.⁵²

49. In 1369-70, all payments to creditors were made at a deduction of one-third, ER, ii, lxxiv.

50. ER, iii, 175; ER, ii, 134.

51. ER, iii, 110; ER, ii, 166; ER, iii, 170; ER, i, 297; ER, ii, 102..

52. ER, ii, 6, 65; ER, iii, 46, 653, 68-9, 113; ER, ii, 168; ER, i, 531; ER, iii, 99.

The king received not only goods from the burghesses but a variety of services as well. Several burghesses were involved in the king's building projects, notably those connected with Edinburgh Castle during the reign of David II. John de Cairns and William Gupild, burghesses of Edinburgh, were both paid for their part in the building of the new castle tower, the remains of which lie under the Half Moon Battery. Roger Hogg was involved in the construction of a new well and well-tower in 1361-2. In 1383 Adam Forrester was paid for the erection of a kitchen and other necessary buildings beside the new tower.⁵³ The wealth and contacts of these prominent burghesses made them ideal choices to oversee such work, as they would know where to secure the craftsmen with the necessary skills. It is quite possible that it was Adam Forrester who recommended the employment of the mason John of Scone to carry out leading work on the castle in the 1380s since the same John was one of three masons who contracted with the burgh of Edinburgh to build five new chapels for St. Giles in 1387.⁵⁴ Adam Forrester appeared as one of the leading members of the community in this indenture. In other cases the skills of the burghess himself might come in useful. In 1362, Nicholas Mason, burghess of Stirling, was paid £5 along with other masons for work on the repairs of Stirling Castle.⁵⁵

Perhaps the best known example of a burghess involved in the king's works is that of John Crabbe of Berwick who built up the defences of the town for the Scots and then destroyed them for the

53. ER, ii, 520, 524, 608, 308, 79, 83, 113-4; ER, iii, 89; W.T. Oldrieve, 'David's Tower at Edinburgh Castle' in BOEC, vi (1913).

54. ER, iii, 665, 117; Edin. Chrs., no. 14.

55. ER, ii, 85.

English. John de Raynton, burgess of Berwick also contributed to the defence of the town and castle, being paid £13 6s 8d for the protection of the walls and the castle in 1330.⁵⁶

Work on other royal building projects also involved some burgesses. The ship of John Scot of Inverness was hired in 1365 and 1368 to carry wood to St. Monans for David II's new church there. In a project of equal interest to the king and one of his burghs, David Scot, burgess of Montrose, was paid £11 23¹/₂d to build a mill of Montrose in 1329.⁵⁷ On a more personal level, burgesses were also involved in the work of preparing royal tombs. Andrew Painter, burgess of Edinburgh, was sent to Flanders to buy black stones for the tomb of David II in the early 1370s, and towards the end of the decade was paid for bringing stones for the tombs of Robert II's mother and father and also Robert's own tomb from England to Edinburgh.⁵⁸

Where certain facilities required by the royal household were missing, a burgess might sometimes supply the necessary accommodation by leasing a house to the king. In 1329, the prepositi accounted for a payment of £10 to John called Aylbot of Perth for the lease of his house for two years for the physician of Robert I. In later years a house in Perth was leased from Adam Mercer to store the king's victuals, and another one from Walter de Strathearn for the wardrobe. The house of John de Corry in Edinburgh was occupied by the mint in 1359.⁵⁹

56. ER, i, 64, 398; Lucas, 'John Crabbe', 342-5; ER, i, 339.

57. ER, ii, 243, 329; ER, i, 157, 158.

58. Rot. Scot., i, 959; Rot. Scot., ii, 622.

59. ER, i, 169; ER, iii, 59; ER, ii, 616.

A royal visit to a burgh involved the expense of provisioning the household and this responsibility was often delegated to a burghess. Peter Waghorn, burghess of Dumbarton, was paid £20 5s 8d for the king's expenses at that burgh in 1385, while Adam Chapman, burghess of Irvine, received £55 6s 10d for the expenses of Robert III at Irvine in 1393, although this payment also included money owed to others for divers things. Sometimes burghesses arranged the accommodation of members of the royal family at places other than their own burghs. In 1372 William de Fausyd of Edinburgh was paid £56 13s 4d for providing for the earl of Fife at Melrose. Andrew Mercer seems to have provisioned the royal household throughout a visit to the sheriffdom of Perth in 1385, a task for which he was paid £234 7s $\frac{1}{2}$ d in 1387.⁶⁰

While it was usually the burgh officials who were responsible for the carriage of goods bought by the king, there are some instances where individuals were paid for this service. Andrew Mercer received 5s 8d for carrying items to the king's wardrobe, while John Palmer, burghess of Stirling, was paid 25s for carriages in 1389. Patrick de Lumley delivered glass to Paisley Abbey at Robert III's mandate.⁶¹

As well as providing for the king's personal needs, the burghesses could also serve the king in affairs of state. Their contribution to the Scottish resistance in the Wars of Independence both through securing supplies and carrying out attacks on English shipping has already been noted. Individual burghesses such as

60. ER, iii, 672, 312; ER, ii, 394; ER, iii, 146.

61. ER, iii, 183, 195, 222.

Alexander Pilch of Inverness aided William Wallace, while the attack on Edinburgh Castle in 1341 was carried out with the aid of three burgesses of Edinburgh, William Bartholomew, Walter Curry and William de Fairley.⁶² On a more peaceful front, they were sent on various diplomatic missions, Adam Forrester being particularly active in trying to preserve peace between Scotland and England in the closing years of the century.⁶³ John Wigmer, burghess of Edinburgh, was sent to England in 1348 to treat about David II's ransom, while Alexander Wigmer, probably John's son, travelled to England to discuss the mode of payment after David's return. In 1383, John Dugude, burghess of Perth, was paid 40s for working in Prussia on the king's service.⁶⁴ Adam Tore of Edinburgh and William Feth of Dundee went to Bruges in 1348 to negotiate a treaty after the expulsion of the Flemings from Scotland in 1347, and William Chalmer of Aberdeen was one of those sent to make another treaty there in 1394. John Mercer served as an envoy to Flanders in 1367. As well as their knowledge of these countries gained through their trading activities, the wealth and resources of the burgesses were very useful for fitting out the embassies.⁶⁵

Burgesses also took part in the affairs of the nation by assuming the responsibilities of royal office. Indeed, service in the administration, the royal household or on embassies might result in royal favour which would provide the basis of a family's fortunes.⁶⁶ The requirements of commercial enterprise would

62. Chron. Wyntoun, 140-3; ER, i, clvi, clvii, 490, 507.

63. CDS, iv, nos 490, 510, 520; ER, iii, 340, 566, 577; Rot. Scot., ii, 139; Nicholson, Scotland, 219.

64. Rot. Scot., i, 718, 721; ER, ii, 55; ER, iii, 99.

65. Rooseboom, Staple, 5, app. no. 6; ER, ii, 261. Burgesses continued to serve as diplomats in the fifteenth century, Annie I. Dunlop, Scots Abroad in the Fifteenth Century, Historical Association pamphlet no. 124 (London, 1942), 3-4.

66. Donald E.R. Watt, 'Scotsmen at Universities between 1340 and 1410 and their Subsequent Careers: a Study of the Contribution of Graduate to the Public Life of their Country', unpublished D.Phil. (Oxford, 1957), 359.

usually demand the ability to supervise accounts, making the position of auditor one for which a merchant burghess would be well-qualified. Adam Forrester, Patrick de Lumley and John Ochiltree, burghess of Linlithgow, served as auditors of the Exchequer accounts.⁶⁷ John Mercer audited the accounts of the sheriff of Perth in 1374, while John Rollo, burghess of Edinburgh, and Patrick de Innerpeffer acted as auditors of the earldom of Strathearn in 1380.⁶⁸

The royal official who had most contact with the burghs was the chamberlain. Sometimes some of his responsibilities were entrusted to burghesses who acted as his deputies. Patrick de Lumley was deputy for the chamberlain south of Forth while at the same time filling the duties of an auditor of the Exchequer. Patrick served as deputy chamberlain from 1391 to 1398, while Adam Forrester acted in the same capacity from 1388 to 1391 and from 1404 to 1406.⁶⁹ In other cases, a burghess might be appointed to fill the duties of a chamberlain who had suddenly died. John Mercer was one of two men deputed to render the chamberlain's accounts after his death in 1376.⁷⁰ Nor was the chamberlain restricted to one deputy. In 1359, both Alexander Gilliot, burghess of Edinburgh, and John de Pitscottie, burghess of Perth, acted as deputy-chamberlains, and in 1364 William de Leith, John Mercer and Adam Tore all performed duties connected with the post.⁷¹ In the early fifteenth century, Adam Forrester's son, Sir John, became chamberlain.⁷²

67. ER, iii, 161, 608, 219.

68. ER, ii, 426; ER, iii, 33, 80.

69. See ER, iii, index under Lumley, Patrick and Forrester, Adam.

70. ER, ii, 511.

71. ER, i, 567, 584, 621, 626, 618; ER, ii, 176, 152.

72. ER, iv, 380. For a description of John's career, see Robert Brydall, 'The Monumental Effigies of Scotland, from the Thirteenth to the Fifteenth Centuries' in PSAS, xxix (1894-95), 382-5.

A number of burghesses had shown themselves to be effective suppliers of provisions for the royal household, and therefore suited to the position of steward of the royal household.

William de Leith served as steward of the queen's household in 1359 and Andrew Mercer carried out various duties in connection with his post as steward of the king's household in 1388.⁷³

One royal post seems to have been filled only by burghesses during the fourteenth century. When a new mint was established in Edinburgh in the late 1350s, Adam Tore was put in charge of it. Presumably a burghess, used to handling money, was seen as the type of person best qualified for such a position. The burghess John the Goldsmith apparently played an important part in the operations of the mint, although the office of moneyer was filled by a Florentine. When a mint was opened in Perth in 1373, Thomas de Strathearn, a local burghess, became keeper of the money there. Andrew Painter was keeper of the Edinburgh mint in 1374.⁷⁴

In the later fourteenth century, certain burghesses became very prominent figures in the realm through their government service. The organisation of the early ransom payments was largely entrusted to John Mercer, who was aided by Roger Hogg. Mercer collected together all the money for the year's payment in Flanders and sent messengers to England to arrange the method of delivering the money. Details of his actions are given in his account of 1360. In the years 1374-76 the chamberlain deposited money for the ransom with him, showing that he was

73. ER, i, 594; ER, iii, 170, 175-7, 184.

74. ER, i, 615-7; ER, ii, 65, 159, 430; Stewart, Coinage, 26-31, 36.

still involved in the ransom transactions, and in 1378 after the capture of his ship and the detention of his person in England, 2000 merks was deducted by the Scots from the ransom payments as compensation for the damages he suffered.⁷⁵

While Mercer's prominence in government service rested largely on one position, that of Adam Forrester rested on several. He first appeared as clerk of the customs rolls south of Forth in 1363 and 1366. In 1382, by which time he had become a prominent landholder in the area around Edinburgh, he was sheriff of Lothian.⁷⁶ After serving as a deputy-chamberlain, in 1391 he was made custodian of the great seal, ^{being} the king's chancellor in remote parts. He was auditor of the Exchequer accounts from 1388 to 1404, and then deputy-chamberlain for two more years. By the late fourteenth century, his high position in the government was recognised when he was given a major role in the negotiations for peace with England.⁷⁷

Government service could also involve offices which were more directly connected with the burgh. The organisation of the great customs system meant that a variety of officers were required, and in many cases it was the burgesses who took on such responsibilities. As well as the customars, there were several other officers who were intended to supervise the activities connected with customs collections and thus safeguard a major source of royal revenues.

75. ER, ii, 54-6, 432, 458, 502, 582; Nat. MSS. Scot., i, no. 45.

76. RMS, i, no. 100; ND, no. 326; Abdn. Reg., i, 141.

77. RMS, i, no. 803; ER, iii, 161, 608, 592-3, 630. See above, p. 270, n.63. For Forrester's career as a negotiator with the English, see Hamer, 'Anglo-Scottish Relations', 127, 177-96.

Early in David's reign, a separate customs rate was imposed on foreign merchants, and in some cases separate officers were appointed to collect this tax. In 1332, William Martin carried out this task in Edinburgh in conjunction with Gilbert de Leith, one of the customars. William had been a customar until the previous year. Gilbert also served as custodian of the cocket in 1332, a position which perhaps was a forerunner of that of the later clerk of the cocket.⁷⁸

Evidence on other offices connected with the customs is scarce until the later part of the century, but in the reigns of Robert II and III there are a number of references to such offices. The act of 1364 setting up a tron in every port also provided for a tronar for each burgh. John Leche, burghess of Linlithgow, filled this post for his burgh from 1379 to 1381. John Lyn of Perth served in this capacity in 1382 and 1383. John Clerk, burghess of Montrose, was tronar in 1393 and 1394 and 1402-4, while Robert Templeman, burghess of Dundee, served from 1403 to 1406.⁷⁹

The clerk of the cocket kept a record of all customs paid on exports and probably all other particulars relating to the export business of the burgh. His book could be checked against that of the customar by the auditors of the Exchequer, and in many cases he held half of the cocket seal and was therefore required to be present when goods were being customed. This office was held in Dundee by the burghess Richard Scot in 1397 and 1398. That the office could be a hereditary one is shown by the succession of Duncan Rollo, burghess of Edinburgh,

78. ER, i, 426, 425.

79. ER, ii, 606; ER, iii, 80, 50, 71, 100, 301, 328, 549, 575, 598, 572, 596, 625.

to the post after the death of the previous clerk, his father John. Between them the two Rollos filled the position from 1372 to 1420.⁸⁰ It seems that those who were appointed to this office were expected to fulfil the duties personally, as Richard Scot required specific royal permission in 1398 to appoint a deputy.⁸¹

Other offices which were sometimes filled by burghesses included the collector of special customs and the depositor of custom. Simon Bowmaker, burghess of Haddington, collected the customs of 40d in the pound on English goods in 1373.⁸² William de Leith acted as depositor of customs in Aberdeen in 1378, while Patrick de Innerpeffer filled the same position in Dundee. Alexander Cockburn, who can probably be identified with a burghess of Haddington of the same name, acted as depositor at Haddington in 1378 and 1379 and also at North Berwick and Dunbar in 1378.⁸³

The central figure in the customs system was the custumar, and it was the customars' accounts which were entered in the Exchequer Rolls. An entry for 1406 shows that the custumar received a royal grant of office. Thomas Wilde, a Linlithgow custumar, was ordered to show his grant of the office of custumar at the next Exchequer.⁸⁴ Usually there were two customars to a burgh, although there could be more or fewer in some burghs and sometimes one man served as custumar for more than one burgh. William de Dunbar was custumar for Inverness, Elgin

80. ER, iii, 411, 434; ER, ii, 375, 607; ER, iii, 2, 52, 204, 220, 618; ER, iv, 18, 222.

81. ER, iii, 434.

82. ER, ii, 373.

83. ER, ii, 567, 564, 584, 557, 558, 559, 603.

84. ER, iii, 613-14.

and Forres from 1383 to 1385, while David son of Peter, burgess of Haddington, filled the office in both Haddington and North Berwick from 1375 to 1381.⁸⁵ A deputy was sometimes appointed, royal permission apparently not being required.⁸⁶

The position of custumar seems to have been that most often filled by the burgesses, although non-burgesses were also appointed to the office. At least two customars were constables of castles and one was sheriff of Stirling.⁸⁷ Usually the individuals appointed had some connection with the burgh even if they were not burgesses. Of the burgess customars, most of them appear to have been among the most prominent members of the community. Such men were probably chosen in the hope that their authority would be respected by the exporters and that they would prove trustworthy. Thus among the men filling this office were Roger de Boswell, Andrew Bett, William de Fausyd, Adam and John Forrester in Edinburgh; William Chalmer, Robert Davidson, Adam Pingle and Alexander Williamson in Aberdeen; Patrick and William de Innerpeffer in Dundee; John Gill, John and Andrew Mercer, and John de Pitscottie in Perth; Patrick de Lumley in Linlithgow; and John Scot in Inverness.⁸⁸

Most of those appointed as customars had had some contact with the royal household, some having supplied provisions, some having filled other government offices, and others having acted as spokesmen for their burghs in parliament. Their

85. ER, iii, 95, 111, 137, 3, 4, 54, 55, 67.

86. Ibid, 617.

87. ER, i, 123-36, 321-2; ER, ii, 138, 114; ER, i, 96, 172, 277-8, 179, 180. Clerics could also fill this position, ER, i, 82, 492, 601; ER, iii, 14.

88. See ER, i, ii and iii, indices, under names.

duties as customars sometimes brought them into contact with members of the king's family, and not necessarily to their benefit. The duke of Rothesay was given the power to collect the revenues from the customars in the closing years of the century, but abused this right by extorting money from them. He kidnapped the unfortunate customar of Montrose and kept him prisoner until he paid the sum demanded, even though the customar had already given the whole balance to the chamberlain.⁸⁹

The customs provided a link with the crown in another way as well. During the fourteenth century, it became increasingly common for the king to grant cash gifts, payable from the customs or the burgh fermes, to various individuals, usually lords or churchmen, but sometimes burgesses. These monetary rewards could come in a number of forms, including life pensions, extra fees for particular offices and simple gifts of money. Perhaps the one most appropriate to the burgesses was the remission of customs on wool, woolfells and/or hides.

Unfortunately, the reason for these gifts is seldom stated and therefore in many cases can only be conjectured, if further evidence about the individual involved survives. Gregory Chapman, burges of Stirling, was allowed to export 30 daces of hides without paying custom by special royal mandate, the customars being credited with £4 7d for this in 1380. It is possible that Gregory exported the hides on behalf of the king, as he had done two years previously. In other cases, the remission seems to have been a genuine gift to the burges. According to the Aberdeen customars' account of 1378, Adam Pingle was remitted £6 16s 1d, by the king's grace. In some

89. ER, iii, 549.

cases, amounts beyond the usual customs were remitted to certain individuals. Thus in 1359, the double customs which had been imposed on wool was remitted to the Edinburgh burgess, Nicholas of the Kitchen, and five other burgesses.⁹⁰ Other exporters were released from paying extra duty on English wool which was sent to the Continent from Scottish ports.⁹¹

Andrew Bett and Adam Forrester benefited from extra payments for their work as Edinburgh customars. Andrew was paid more than the usual customar's fee of 1d per sack in 1371, while from 1389 Adam was paid 2d for each £1 of customs collected.⁹² As the money came from the revenue which the men collected in their capacity of customars, the recipients themselves were responsible for the payment of their own pensions. Most annuities granted to burgesses also came out of the customs, although a few were paid from the burgh fermes.⁹³ The amounts ranged from £2 to £13 6s 8d (20 merks). Among those to whom they were granted were William de Fausyd, John Rollo and Adam Forrester in Edinburgh, John called Aylbot and Andrew Mercer in Perth, Nicholas Mason, burgess of Stirling, and Adam Brady, burgess of Rutherglen.⁹⁴ Pensions were also sometimes granted to women in the burgh. Alice Wigner, a member of a prominent Edinburgh family, received a £5 annuity for life in 1328,⁹⁵ while Janet Stury, wife of the Edinburgh

90. ER, ii, 606-7, 552, 566; ER, i, 606.

91. ER, iii, 248, 355, 437, 455.

92. ER, ii, 361, 204, 590.

93. Adam Forrester was paid 20 merks from the Edinburgh fermes from 1380, although originally this sum came from the customs, ER, iii, 60.

94. See ER, i, ii, iii and iv, indices, under names.

95. ER, i, 115, 166, 272, 301, 302.

burgess John Stury, and apparently a burgess in her own right, received 10 merks annually from 1364. This annuity went to Adam Forrester after her death.⁹⁶ A pension of 4 marks annually for six years was paid to Marjorie Schireham who was probably the wife or daughter of the Dundee burgess Gregory Schireham and who acted as custumar of Dundee in the 1320s.⁹⁷

Royal gifts of money were made as a reward for services, although what these consisted of is usually not specified, the most informative statement being that Adam Forrester was granted money for two years in 1385, by the king's gift, "for service and counsel". Sometimes the gift could be quite large. John Young, burgess of Linlithgow, was paid £23 in 1364. John de Montagu, burgess of Ayr, however, received only £1 8s in 1379.⁹⁸

The church was a common beneficiary of royal gifts and pensions, and a number of burgesses acted as middlemen, usually, although not always, for churchmen fairly near the burgh. Northern churchmen were largely dependent on burgesses of Aberdeen to convey their annuities to them, Alexander son of William and William Chalmer the son receiving £3 6s 8d for the dean of Caithness from the Aberdeen bailies in 1393, while the annuity of the bishop of Orkney was entrusted in various years to Laurence

96. ER, ii, 149, 167, 359; Edin. Chrs., no. 15. In 1363 Janet, as burgess of Edinburgh, was granted an English safe-conduct, Rot. Scot., i, 874.

97. ER, i, 172; SRO, GD76/149. Marjorie seems to have taken an active part in the duties of custumar as, on one occasion, the chamberlain empowered her to receive on his behalf a payment made by the other custumar and herself, ER, i, xcv, n.5. Marjorie, and Betty Melville who was bailie of Inverkeithing in 1384-5, ER, iii, 127, disprove Marwick's statement that, although women could be burgesses and gild brethren, they did not take any part in the administration of the burgh, Marwick, Edinburgh Guilds, 9.

98. ER, iii, 118; ER, ii, 126, 621.

del Crag and Adam Lamb, burgesses of the same burgh.⁹⁹
 William de Leith was given £21 6s 8d owed to the bishop of
 Aberdeen as second tithes in 1375. A payment of tithes
 by the customars of Edinburgh to the abbot of Paisley was
 made through the offices of Patrick Lumley.¹⁰⁰ The most
 active individual in this type of business was Adam Forrester,
 who acted as middleman at various times for the bishop of
 Aberdeen, the Dominican Friars of Edinburgh, the bishop of
 St. Andrews, the abbot of Melrose, and the abbot of Dunfermline.
 In fact, the receiving of money for the abbot of Dunfermline
 seems to have become a family business, as Adam carried out
 this duty from 1383 until his death in 1405, and the following
 year the money was received by his son Sir John.¹⁰¹ Most of
 the burgesses who performed this task were also carrying out a
 service for the crown, as it was usually in the capacity of
 bailies or customars that they took charge of the payments.

Another area of burgess involvement with the church was
 the aid given to churchmen in various disputes over lands and
 rents. In 1386 Adam Forrester acted for the bishop of Aberdeen
 in a dispute with John Fraser, lord of Forglen, over the second
 tithes of the wardship of the lands of Meldrum and in 1392 he
 was granted lands by the bishop for his "council, help and
 labour". John Mercer helped Scone Abbey acquire the church of
 Blairgowrie.¹⁰² Burgesses also acted as witnesses to the

99. ER, iii, 306-7, 156, 186, 76, 25, 101-2.

100. ER, ii, 493; ER, iii, 87. For the second tithes, see ER, i, clxxv-clxxxii.

101. ER, iii, 267, 527, 607, 591, 102, 109, 139, 160, 635.

102. NLS, Adv. MS. 30.5.26, f.18; Abdn. Req., i, 171; Scone Liber, no. 77. See above, p. 177.

agreements made by the church with temporal landholders.

William Chalmer witnessed an indenture between the bishop of Aberdeen and John Forbes in 1387 and another one between the bishop and the earl of Moray in 1389.¹⁰³

In their capacity of merchants, burgesses could supply the needs of ecclesiastical households much as they did the royal household. Sometimes they were involved with churchmen as partners in a trading mission. In 1365 the bishop of St. Andrews was one of those who requested the English king to give a safe-conduct to the merchant William Talyfere allowing him to ship grain to Scotland.¹⁰⁴ Undoubtedly if the records of an episcopal household had survived the burgesses would have figured prominently among those supplying the rich trappings of the medieval bishops. The church, moreover, made much of the burgesses' overseas trade possible by providing a large share of the country's exports.

The church also received money from the burgesses through the operation of the system of tithes, from private gifts and offerings, and through the renting of burgh lands. A burghess might therefore supply goods to the church as a merchant, or pay it rent as a tenant, contribute money in tithes, and grant it lands or rents for the salvation of his soul. In ecclesiastical burghs, the burgh fermes also went to a member of the church. It was therefore in church interests to see the burgesses prosper.

Usually the relationship between the church and the burgesses was a fairly amicable one, although there were times when the interests of the church and a burghess came into conflict.

103. Abdn. Req., i, 176; Invernessiana, 88-90.

104. Rot. Scot., i, 898.

John Crab of Aberdeen had a dispute with the bishop of Aberdeen over the lands of Murtle which he held of the bishop. On this occasion, William Chalmer defended the interests of his co-burgess. Perhaps the bishop was impressed by his defence for on Crab's death in 1388, he granted these same lands to Chalmer.¹⁰⁵ The burgesses also acted for their own burghs in disputes with the church over conflicting trading privileges and in rent disputes such as that between Newburgh in Fife and Lindores Abbey in 1309.¹⁰⁶

On a less peaceful note, a royal mandate to the sheriff of Aberdeen was required in 1357 to prevent Laurence de Garvock, burgess of Aberdeen, and his adherents from infringing the rights of Arbroath Abbey in the lands of Nigg. In 1366 there was an even more serious attack on the church when thirty burgesses and fishers of Stirling joined together to wreck the nets and fishings of Cambuskenneth Abbey in the Forth.¹⁰⁷ Apparently, respect felt for the spiritual nature of the church did not always extend to its rights of property-holding.

On the whole, however, relations were peaceful. The links of the burgesses with the church were strengthened further by the recruitment of new clergy. Educational establishments in the burghs run by the church helped to supply a body of literate young men who might go on to train for the priesthood. Many of the scholars who went to England and Europe for a university education and then entered the church seem to have been closely related to burgess families, who would have had the wealth to

105. Abdn. Reg., i, 176, 183.

106. APS, i, 536-7; Lind. Liber., no. 10.

107. RRS, vi, no. 152; Camb. Reg., no. 55.

pay the expenses of a university education, although in many cases kinship is difficult to establish unequivocally. Among the families where such relationships seem possible were the Allincrums and Forresters of Edinburgh, the Colonias and Rayntons of Berwick, and the Pullars and Mercers of Perth. John Pilmore, bishop of Aberdeen, was apparently the son of Adam Pilmore, burghess of Dundee. Men such as Robert de Gatmilk returned home to take an active part in the administration of their burghs.¹⁰⁸ Others made a career for themselves in royal service and probably thus provided valuable contacts for burghess relatives interested in serving the crown.

Occasionally, there is evidence of the family relationships between members of the clergy and burghess families. The son of Adam Pingle pursued a career as a notary public, a position which was under the control of the church at this period.¹⁰⁹ John Broun, son of Robert Broun, burghess of Perth, was Master of the Hospital of St. Leonard at Perth in 1403. The son of Alan de Balmossy, burghess of Dundee, was Sir Robert de Balmossy, a chaplain, while Walter Forrester, the brother of another Dundee burghess, Patrick Forrester, was also in the church.¹¹⁰

Concern for spiritual salvation kept strong the bonds between the burghesses and the church. This concern was often expressed in the form of gifts of lands, moneys and sacred objects to the church, gifts made in the hope that material contributions might

108. See D.E.R. Watt, A Biographical Dictionary of Scottish Graduates to A.D. 1410 (Oxford, 1977), 216, 317, 8-9, 107, 194-200, 388-9, 466; Watt, 'Scotsmen at Universities', 128, 134, 340; Dowden, Bishops, 152, n.4.

109. SR0, GD52/395. Whether Adam Pingle the son was a cleric or not is not clear, but notaries were subject to diocesan organization: Durkan, 'Early Scottish Notary', 22-3, 24.

110. ER, iii, 582; ER, ii, 18; ER, i, 591, 625; RMS, i, no. 839; Watt, Graduates, 197-200.

help one's chances of attaining grace in the afterlife. For those who were wealthy enough, added intercession could be assured through the founding of a chapel where masses would be said for the founder's soul. In some of these gifts, there was also an earthly dimension, as contributions to the parish church, a centre of community life, increased the donor's status in the eyes of his fellows as they demonstrated his wealth and generosity for all to see.

Most of the grants made by the burgesses to religious institutions in the fourteenth century were directed to religious houses connected with the burgh or to the burgh church. This is not surprising as these were the parts of the church with which most burgesses had the most contact. Relationships with the major religious institutions of the kingdom, those of the bishoprics and the major abbeys, tended to be confined to those of burgess tenant and ecclesiastical overlord. There are only a few recorded instances of burgess grants of lands to these representatives of the church in this period.

The most complete records of burgess grants to the church come from Aberdeen where the cartulary of the parish church of St. Nicholas and the charters preserved by Marischal College¹¹¹ show the fourteenth-century burgesses actively supporting both the burgh church and the local religious houses. In the case of St. Nicholas, it was not just revenues which the burgesses contributed to the upkeep of the church. The building had probably been damaged in the English attack on the burgh in 1336, and the people of Aberdeen seemed determined to restore it to its former beauty. Several altars were founded and furnished

111. St Nich. Cart.; AUL, MS. M.390.

with religious ornaments such as images of the saints, gilt chalices and holy vestments, older altars were given new images, repairs were made to the floor of the church, and the building was extended by William de Leith as alderman with the assistance of the community.¹¹² A burgess was appointed to be in charge of church funds, representing the continuing interest of the burgh in its own church. A similar interest in the parish church is evident in the records of grants to St. Giles in Edinburgh. With the exception of major projects such as expanding the existing church, however, most of the grants were made by individuals. The identification of various gilds with the different altars still lay some way in the future. The relationship established between the church and the burgesses through these grants to the parish church was therefore still largely on an individual basis.

Grants to religious houses were also made on an individual basis, and, as far as the records reveal, consisted solely of lands and rents, there being no evidence of the contribution of religious ornaments or building services. In Aberdeen, a large number of burgage roods and crofts had part or all of the rents payable to their burgess landlords assigned to the Carmelites, the Trinitarians or the Dominicans. Nor were the religious houses lax in safeguarding their income. Any default in the payment of moneys owed to them was quickly acted upon. In 1409, the prior of the Carmelites complained that rents granted to the friary by John and William Crab had not been paid. Paul Crab who was then in possession of these lands was obliged to resign them to the prior.¹¹³ Such obligations

112. Chron. Fordun, i, 360-1; St Nich. Cart., 12-20.

113. AUL, MS. M.390, Mass 10/22.

were not to be undertaken lightly by the burgesses, for they affected not only the granter but also his successors.

While some burgesses found employment in service to the church or the crown, others were offering their skills to the lords and magnates of the kingdom. One of the most common tasks carried out by these burgesses for their employers was the pursuit of trade. Archibald Douglas, lord of Galloway, John of the Isles, and Sir William Douglas, Knight of Liddesdale, all employed merchants to secure provisions for them from abroad.¹¹⁴ It is possible that many of them found full-time employment in this capacity, as about one-third of these individuals appear in the records only in this connection. Others perhaps acted on commission or provided the active end of a trading partnership.¹¹⁵

The administrative skills of the burgesses were sometimes of use to local lords. John Gill and William de Spens, burgesses of Perth, were the bailies who gave sasine of the land of Easter Fingask to Henry son of Duncan for John de Drummond at Perth in 1403. William de Whitson, also of Perth, was appointed as one of the procurators and attorneys for Mariota de Buttergask when she resigned lands in the lordship of Scone to Scone Abbey in 1380. John and Andrew Mercer were two of the three procurators who resigned the barony of Snaid to Robert II on behalf of the son of Sir John son of Lachlan.¹¹⁶

Occasionally, a burgess carried out duties for a sheriff.

114. Rot. Scot., ii, 2; CDS, iii, no. 1639; Rot. Scot., i, 758.

115. See above, pp 235-9.

116. SR0, GD16/24/169; Scone Liber, no. 186; Yester Writs, no. 31.

Gregory Bowman, burgess of Kintore, rendered the account of the sheriff of Aberdeen to the Exchequer in 1328. Adam Dicson, burgess of Peebles, acted as the deputy of the sheriff of Peebles in 1388. Sometimes such service was reciprocated. William de Meldrum, sheriff of Aberdeen, acted as attorney for the prepositi of Aberdeen at the Exchequer in 1341.¹¹⁷

Many lords and magnates received pensions from the crown which were paid from either the burgh fermes or the customs revenues. Usually these were paid directly to the recipients by the bailies or customars, rather than by the chamberlain. In many cases, burgesses acted as middlemen in these transactions, receiving the money due on behalf of the lords and arranging for its transfer to them. Adam Forrester was particularly active in this line - Nicholson describes him as a "financial agent of all and sundry".¹¹⁸ Among those for whom he received money were Archibald, earl of Douglas, Sir William Stewart of Jedburgh, Walter Stewart, earl of Caithness, Sir Alexander de Lindsay, and two members of the royal family, the earl of Carrick (later Robert III) and the duke of Rothesay.¹¹⁹ Robert Broun, burgess of Perth, collected the revenues for Sir Humphrey de Cunningham, Walter Stewart as lord of Brechin, and Nicholas de Mar, the king's notary. Robert Falconer, burgess of Montrose, William de Boswell, burgess of Roxburgh, Robert Davidson in Aberdeen, and William de Innerpeffer in Dundee and John Mercer, acted in a similar capacity for various lords.^{120.}

117. ER, i, 107; ER, iii, 167; ER, i, 470.

118. Nicholson, Scotland, 216.

119. ER, iii, 515, 543, 545, 387, 50, 516.

120. Ibid, 262, 417, 548, 445; ER, i, 184; ER, iii, 480; ER, i, 613; - ER, ii, 535.

Sometimes burgesses could offer their services to arbitrate in a dispute between nobles or between a lord and the church. An agreement between the bishop of Moray and the lord of Badenoch was arrived at in the house of Thomas son of John, burgess of Inverness. John de Pitcottie of Perth was the arbiter for William de Fenton in his dispute with the Abbey of Cambuskenneth in 1390. Andrew Mercer made a judgment in a dispute over the lands of Logy and Strathgartney between the earl of Fife and John Logie, and recorded that they accepted his decision "strekand thair handys in myne, bodely makand gude fayth that thai sulde halde sekir, ferme, and stable".¹²¹

Lords and burgesses also took joint action at various times during the period. As has been noted already, William Wallace was aided by the Inverness burgess, Alexander Pilche, in planning an attack on the English garrison of Urquhart Castle in 1297, and the attack on Edinburgh Castle in 1341 was carried out by William Douglas with substantial help from certain Edinburgh burgesses.¹²² Robert Davidson and the earl of Mar were companions in piracy. In the early years of the fifteenth century they captured a Prussian ship on its way to Flanders. The resulting controversy led to a number of reprisals and it was some time before normal trade relations with the Baltic cities were resumed.¹²³ Magnate participation in burgess affairs was not always beneficial.

Foreign trade gave the burgess the opportunity to improve his own standard of living and it seems quite likely that men such as

121. Invernessiana, 86; Camb. Reg., no. 181; Fraser, Grandtully, no. 79.

122. CDS, ii, no. 922; Nicholson, Scotland, 54-5; Evan M. Barron, Inverness in the Middle Ages (Inverness, 1907), 56-7, 67-8; ER, i, clvii, 507; Chron. Wyntoun, ii, 457-60.

123. Fischer, Germany, 238.

John Mercer, whom the English chronicler Walsingham reported to have inestimable wealth,¹²⁴ lived more comfortably than many a local lord. As centres of overseas trade, the burghs gave access to imported luxuries for those who could afford them, while the goods produced by urban craftsmen tended to be higher-quality than those made by their rural counterparts. For the wealthier burghesses, therefore, there was little to prevent them from living in a style similar to that of many of the local lords.

One essential prerequisite of lordly status was the ownership of land, a feature which was increasingly becoming part of the lifestyle of many burghesses during the fourteenth century. As land conferred lordship, the possession of country estates gave burghesses an entrée into the class of local lords.¹²⁵ Intermarriage between the children of burghesses and local lords was not uncommon and helped to blur the line between the two groups.¹²⁶ Although on a national level, many burghesses were identified with the third estate, it seems that in the world of the burgh and its hinterland, the distinctions between second and third estate were far from clearcut.

Some burghesses appear in the records as lord of a particular land in the years after which they have acquired it. John Gill, burghess of Perth, was often styled "John Gill of Halton" after 1370, appearing as such among lists of burghess witnesses.¹²⁷

124. Chron. Walsingham, i, 369.

125. Alexander Grant, 'The development of the Scottish peerage' in SHR, lvii (1978), 1.

126. Links between burghesses and their baronial relations probably remained close. In 1338, Sir John de Crichton, knight, witnessed a grant by the son and heir of Thomas de Crichton, burghess of Berwick, Newb. Reg., no. 207.

127. SRO, GD79/5/2; SRO, GD79/5/3; SRO, GD16/24/169.

Adam Forrester was known as "laird of Nether Liberton" from 1387, but by 1397 had assumed the style "lord of Corstorphine".¹²⁸ William Chalmer appeared as both "lord of Findon" and "lord of Auchnecve" in the 1390s. It seems that, along with the designation "burgess", these titles were generally used when they were deemed appropriate. Thus William Chalmer styled himself "lord of Findon" when he appointed Thomas de Lask bailie of the barony of Findon. When he was himself the recipient of land grants, he was sometimes referred to as "lord of Auchnecve". When he was involved in burgh affairs, he did not use these landed titles.¹²⁹

When such titles were passed on to a burgess's heir, however, it seems that in some cases at least, they were used in preference to the designation "burgess". John Wigmer had become "lord of Over Liberton" by the 1360s, and this title had passed to Roger Wigmer by 1387. Roger does not appear in the records very often but when he does he is referred to as "Sir Roger",¹³⁰ suggesting that his social standing came rather from his landholding than from burgess-ship. Similarly, John Forrester, son of Adam Forrester, almost always appears as "lord of Corstorphine" or Sir John.¹³¹ Unfortunately, there are no burgess admission lists to reveal whether or not these men had also been officially accepted as members of the burgess community, but the actions of men such as Andrew Mercer, who is not described

128. Edin. Chrs., no. 14; ER, 111, 378.

129. A.B. Coll., 272; SRO, GD33/36/2; Fraser, Southesk, 11, no. 47; Abdn. Recs., 21, 100; AUL, MS. M.390, Mass 8/3, Mass 10/2.

130. St Giles Reg., no. 19; SRO, GD1/17/11; RMS, 1, app. 1, no. 157.

131. ER, 111, 613, 615, 622.

as a burghess but certainly carried out the tasks associated with that status, suggest that the lack of the designation in the surviving records does not necessarily imply the lack of burghesship.

Burgesses could sometimes acquire titles related to service rather than land. Both Adam Forrester and his son John had apparently been knighted. William Chalmer, when he went on a diplomatic mission in 1394, was known as "esquire". The son of Alexander Pilche became Sir William Pilche. Andrew Mercer was "Sir Andrew" by 1385.¹³² As all these men also had extensive landed possessions, their status among the lordly class was assured. Royal service provided the final touch for entry into the second estate.

The landgrants themselves occasionally conferred extra status because of the privileges they granted. Some burgesses were given possession not only of the land but also of the unfree men who were regarded as pertaining to that land. Grants in free barony to men such as William Chalmer, William de Leith and Patrick de Innerpeffer included nativi et sequeli.¹³³ Adam Forrester was granted the lands of Carcary in 1385 with bondi, bondagii, nativi et sequeli in return for £200 he gave to Sir Thomas Erskine, lord of Dun, while John de Douglas, burghess of Edinburgh, was granted the lands of Comiston in the sheriffdom of Edinburgh, to hold with similar rights.¹³⁴ Unlike the other recipients of such grants, John de Douglas does not appear elsewhere in the records of this period, but his surname;

132. ER, iii, 564, 622; Rooseboom, Staple, app. no. 12; Invernessiana, 47, 79; Barron, Inverness in the Middle Ages, 67-8; ER, iii, 119.

133. Abdn. Req., i, 183; RRS, vi, no. 224; RMS, i, no. 754.

134. Fraser, Southesk, ii, no. 44; RMS, i, no. 798.

an unusual one for a burghess in the fourteenth century, suggests a possible family connection which might account for such privileges being granted to an individual who appears otherwise to be rather obscure.

During the 1300s the institution of serfdom was dying out in Scotland, and it seems therefore that these grants may not have bestowed much power in practice on the recipients. However, the charters were perhaps less important for the actual power which they conferred than for the status gained by their recipients. The fact that such grants could be made to burghesses shows not only how highly they were regarded, but also how completely they could be absorbed into the feudal system while yet retaining their burghal identity.

CHAPTER SIX

THE COMMUNITY

The burgesses of medieval Scotland were more than a collection of individuals, each pursuing their own livelihood. Within their own burghs, within the burghs as a whole, and within the kingdom, they were part of a community. The laws which governed their lives, the interests which dictated their actions, and the conditions of trade and industry within the Scottish society of the time, all led to a sense of community which helped the burgesses exercise far more influence in the nation's affairs than their small number might have implied.¹

The sense of community which characterised the burgesses in their actions arose in the individual burghs. As a new institution introduced into the country, the burgh needed unity among its early settlers to survive.² Trade would not prosper in a community divided by conflict among its members. Common economic interests as well as physical propinquity tended to encourage unity, while the granting of exclusive privileges to the burgesses was one way in which community spirit could be fostered.³ The possession of privileges required their maintenance and the best way to ensure this was through communal action and rules.⁴ Thus from the very outset, the interests of

-
1. Nicholson sees cooperation as a major factor in burgh influence on the kingdom, Nicholson, Scotland, 17.
 2. Martin sees the success of European burghs as ultimately dependent on the efforts of the community, Martin, 'North-Western Europe', 413.
 3. Reynolds, English Towns, 66-7; Bain, Merchants, 34.
 4. The privileges were exercised by individuals, but usually defended collectively, Robert Hunter, 'Corporate Personality and the Scottish Burgh: An Historical Note' in The Scottish Tradition: Essays in Honour of Ronald Gordon Cant, ed. G.W.S. Barrow (Edinburgh, 1974), 226.

individual burghesses and the interests of the community usually coincided.

As the burghs developed, there grew up laws to govern life there and also the institutions which were intended to administer and safeguard these laws. The central aim of the laws was to create a sense of community. As Marwick points out, the responsibilities laid on the burghesses included many reciprocal duties imposed probably "to foster the spirit of good neighbourship by the interchange of friendly services".⁵ The market was so regulated that no burghess would be able to enjoy special liberties or encroach on another. Certain laws ensured the welfare of burghesses who were sick or poor, as well as that of families whose provider had died. As the government of the burgh came to be entrusted to the burghesses themselves rather than to royal officials, those placed in positions of responsibility were reminded that their duty was not only to the king but also to the burghesses.⁶

The administration of the laws was carried out by the burgh court, in which magistrates and burghesses sat together and heard cases and imposed penalties. It was here also that new statutes affecting the burgh were given the assent of the community, and new burghesses admitted into the community. As attendance at the burgh court was one of the duties of burghess-ship, it was here that the burghesses could physically be brought together as a community, at least while the population was still fairly small. Here also was the first recorded use of the common seal which

5. Marwick, Edinburgh Guilds, 23; Leges Burgorum, c.51.

6. Dickinson, Scotland to 1603, 282; Dickinson, 'Burgh Life', 217; Leges Burgorum, c.65, 66, 67, 42, 108, 115; Juramenta Officiariorum, 127-30.

symbolised the authority of the community.⁷ The gathering together of the "community" continued to be regarded as of some importance, the churchyard proving a popular place to accommodate the members in some burghs in the fourteenth century.⁸

A common place of residence was perceived as an important element in the fostering of a sense of community. Many royal charters lay stress on residence in the burgh as a condition for enjoying the privileges granted. When William I erected the burgh of Ayr, the liberties he granted were given to the burgh and the burgesses dwelling within it. The feu-ferme charter granted by Robert III was likewise made to the burgesses and community of the burgh of Ayr inhabiting the said burgh. Similar reference to those living within the burgh was made in royal charters to Irvine, Haddington and Lanark. The feu-ferme charter to Banff in 1372 was quite specific in its attitude to those burgesses who did not live in the burgh, stating that they were not to enjoy the grant of the burgh nor any emolument, commodities or liberties. On the other hand, a number of grants gave certain privileges to those who resided in the burgh but were not burgesses. All inhabitants of Dundee were allowed to trade in the market as long as they shared with the burgesses the responsibility of paying royal contributions.⁹ Such grants again reinforced the sense of

7. Abdn. Recs., 211; Kel. Lib., ii, no. 459; Melr. Lib., i, no. 27. For a discussion of the burgh seal, see above, pp 112-14. For Dickinson, the possession of a court was central to the existence of a community, Dickinson, 'Administration of Justice', 338, 342. While this may be overstating the case somewhat, the burgh court certainly helped strengthen the sense of community among the burgesses and gave the community legal form.

8. Moray Reg., no. 235.

9. Ayr Chrs., nos 1, 7; Irvine Muniments, no. 3; Hadd. Chrs., 1-3; Lanark Recs., no. 2; Banff Annals, ii, 375-6; Dundee Chrs., 12.

community, as they made clear that to enjoy common privileges was to be required to assume common burdens.

The place of non-burgesses within the community is one on which the records are almost entirely silent. As the burghs grew, the proportion of unenfranchised to the total population probably increased. As burgesses prospered, the number of servants employed by them would grow. Immigration from the countryside brought new inhabitants, many of whom would not possess the resources to acquire a burgage. Excavations in Perth and Aberdeen have uncovered many backlands buildings of a poorer quality than most of those found on the frontages, and it seems likely that many of these represent the habitations of the poorer members of the burgh.¹⁰ There are few regulations among the burgh laws dealing with the welfare of this segment of the population, however, and it seems likely that in the minds of the burgesses "they were the community".¹¹ The government of the burghs was not a democratic one, allowing the participation of all adult inhabitants. Not that this necessarily mattered to the non-burgesses, as for many of them attainment of burgh status was probably not a crucial goal. "Getting and spending, incurring poverty and debt, making profits, ... seeking pleasure and amusement, all these things were as much matters for the individual in Scotland as anywhere else".¹²

It seems unlikely that the non-burgesses, unless they were members of a craft which was excluded from burghship,¹³ had

10. J.C. Murray, 'Conclusions', 247; H. Murray, 'Perth Buildings', 86-7.

11. Dickinson, Scotland to 1603, 110. The equal opportunities of the market-place extended only to those who had trading-rights, Ibid, 280-1.

12. Barrow, Kingship and Unity, 129.

13. There is not enough evidence for the period before 1400 to determine whether craft guilds might have developed among craftsmen excluded from burghship, or indeed if any crafts were excluded in practice.

much sense of community among themselves. Their range of occupations, which usually included work in every trade practised by the burgesses, would preclude too much similarity of interests and also prevent the formation of organisations based on such interests. Those who strove to gain admission to the burgh community itself would be more interested in that goal than in uniting to gain better treatment or more responsibility for non-burgesses. Moreover, the very nature of the economic framework of the burghs tended to unite non-burgesses with burgesses rather than with their fellows. Evidence from England shows that apprentices and journeymen living in burgh households became closely affiliated with those households. It seems likely that a similar pattern occurred in Scottish burghs. Even those who did not share the same house as their employer, shared their working-hours with him and probably lived close by. In many burghs, non-burgesses apparently lived in buildings behind the burgh tenements, rather than in separate areas of the burgh.¹⁴ When the interests of a group of non-burgesses were threatened, there seems to have been a tendency to seek leadership from the burgesses. In 1366 eight fishers joined with twenty-three burgesses in an attack on the fishings of the abbey of Cambuskenneth in the Forth.¹⁵

Within the community of burgesses, the establishment of guilds may have caused some division. This was apparently the case in Berwick in the mid-thirteenth century, where the

14. Reynolds, English Towns, 88. See Gibb's plan of medieval burghal zones, Gibb, Glasgow, 24.

15. Camb. Reg., nos 54, 55. Reynolds points out that, in medieval society, it was assumed that the more substantial citizens would take positions of leadership, Reynolds, English Towns, 138.

establishment of one all-embracing gild was said to have been made specifically to end such divisions: "sa that throu mony bodyis in a place gaderit togidder thru the relacion of ane til an other may folow unite and concord, ane will and ferme and sekys lufe ilk ane til other."¹⁶ The degree to which the gild merchant acted as a divisive force in various burghs probably varied, depending on the nature of its membership and the extent of its powers. In some burghs, it probably retained the original form in which it appeared throughout Europe, a brotherhood to give support and aid to its members.¹⁷ In Berwick, its privileges were such that gild members were given advantages in buying and selling common necessities,¹⁸ but there is no evidence to show whether or not such rights were claimed by the gilds of other burghs. The privileges related to staple goods would be of interest mainly to the overseas merchants who were members of the gild, and who would dispose of any surplus by selling it to those who did not have the right of buying such goods directly from the producer. The gild therefore tended to be a community within a community,¹⁹ rather than a body whose interests were opposed to that of the rest of the burgh. The picture of an oligarchic gild of merchants exercising strict control over the craftsmen of the burgh²⁰ cannot be confirmed from the documentary evidence of this period. Moreover, grants of royal privileges during the fourteenth century continued to be

16. Statuta Gilde, preamble.

17. Martin, 'North-Western Europe', 413; Reynolds, English Towns, 81, 84.

18. Statuta Gilde, c.23, 41.

19. Gross, Gild Merchant, 99-100.

20. Such is the picture given even in recent works such as Stevenson, 'Low Countries', 284.

addressed not to the gild but to the burghesses and community.

The community was more than an abstract concept in the burghs of fourteenth-century Scotland. It was a body capable of initiating actions and assuming responsibilities seen to be in the best interests of the burgh and its inhabitants, or at least those of the burghesses.²¹ In Aberdeen, and most likely in other burghs as well, statutes governing local affairs were ordained either by a majority of the community, or by the council with the consent of the major part of the community. This assent by the majority was found in Inverness in 1359, when John Scot was chosen representative of the burgh to petition David II to grant the land of Carse to the chapel of the Virgin Mary. The decision of the burghesses and community to resign their right to the land was apparently unanimous. Unanimous consent was also recorded in a grant of land by the burghesses and community of Irvine in 1305, while in Dumfries the common seal of the burgh was appended to a land grant with the common consent of the burghesses,²² the use of the common seal implying the identification of the burghesses with the community in the latter case. It may have been the bailies or town council who initiated such actions, but usually it was the community which gave the grant or statute final authority. In some burghs the assent of the community may have been a mere formality, but in others, as suggested by the use of the phrase

21. To what extent the "community" was a corporate body is discussed in Hunter, 'Corporate Personality'. What precisely defined "community" at this period in Scotland does not appear to have been of great concern to those who styled themselves as such. The development of a corporate personality was "according to the felt need." Ibid, 229.

22. Abdn. Recs., 180, 211, 197; RRS, vi, no. 255; Moray Reg., no. 235; Irvine Muniments, no. 1; Spalding Misc., v, 250.

"the major part of the community", it seems likely that the motions placed before the community could be the subjects of some debate.

One of the earliest roles in which the community appears offers a clue to the history of the development of the idea of community among the burgesses. In a charter probably of the mid-thirteenth century, a sale of land in the burgh by the prior of St. Andrews is witnessed by the whole court of the burgesses of St. Andrews. Here were the burgesses acting as a community, although not yet styled as such. It is significant that the scene of this communal action should have been the burgh court, for here, more than anywhere else, the burgesses were brought together as a community. By 1275, a grant of an annual rent to the abbey of Arbroath could be dated "in the presence of the community of the burgh of Arbroath", and by circa 1283 a sale of land in Glasgow included the phrase teste communitate.²³ It is perhaps not surprising that the use of the term community should apparently first be used in ecclesiastical burghs, as they had before them the example of another community, the religious chapter, acting as a single body.²⁴ By the fourteenth century the form teste communitate was also being used in the royal burghs, including Dundee circa 1344, Lanark in 1367, and Aberdeen in 1374.²⁵

The community did more than act as a witness, however. The dealings of the burghs with king, church and lords were, from the

23. St. A. Lib., 284-5; BL, MS. Add. 33245, f.80^r; Pais. Req., 385-6.

24. Arb. Lib., ii, no. 6. A grant by the abbot of Arbroath of a tenement in Auchterarder was sealed with the common seal of the chapter.

25. SRO, RH6/199; RMS, i, no. 266; AUL, MS. M.390, Mass 10/5.

late thirteenth century, usually recorded as being carried out by the community. One of the earliest uses of the term community in this context appears in the 1289 petition to the Guardians by the prepositi and the rest of the burgesses of the community of Banff that the charter granting and protecting the fair at Aberdeen be enforced. The Guardians' reply, granting the request, is addressed in identical terms to the prepositi and the rest of the burgesses of the community.²⁶ With the death of Alexander III, the idea of the community of the realm was in the air, and the use of a similar concept on a burghal level was probably influenced by its use on a national level. By the fourteenth century the existence of the "community of the burgh" was recognised by the crown, and the majority of royal grants of burghal privileges were made to the burgesses and/or magistrates and the community.

Indentures made by the burghs with the church or local lords seem usually to have involved the community. The indenture between Irvine and Brice de Eglinton stated that the burgesses and community put at feu-ferme to Brice twenty acres which his brother Ralph had earlier granted to them. Brice was to hold the lands of the burgesses and community, paying 10s annually. The burgesses and community warranted the land. In 1375 an agreement about the bounds of the lands of Hedderwick and the common lands of the burgh of Montrose was made between Sir David Fleming and the burgesses and community of Montrose. A dispute over the £20 owed to the Ayr Blackfriars from the burgh fermes of Ayr was settled by an indenture between the Friars and the

26. Abdn. Chrs., 290-1; A.B. Ill., ii, 129.

burgesses and community of the burgh of Ayr in 1406.²⁷

Most of the interaction between the burghs and the church or local lords in this period had to do with the disposition of lands, mills and fishings of which the burgesses made use. The grant of feu-ferme charters gave many burghs control over these pertinents but before this the ownership, use and duties owed on these burghal adjuncts were often in dispute, especially as they were often granted to institutions or individuals outwith the burgh. In resolving such issues the burgesses were acting as one body and thus strengthening their sense of community. Mills seem to have been an especially contentious subject. In 1330, an indenture was concluded between the burgesses and community of Elgin and Pluscarden Abbey resolving their quarrels over multure owed by the burgesses and community to the abbey for the use of the mills of Elgin. The dispute between Ayr and the Blackfriars involved mill rents as well as burgh fermes and dragged on for over twenty years.²⁸

Royal grants of land to the burgh gave official recognition to the ability of the community to hold land, an important characteristic in a feudal society. During the fourteenth century, the community was to be found not only as a recipient of land grants, but acting in the capacity of an active landholder, setting lands at ferme both for the benefit of the burgh and on behalf of the burgh church.

The lands held by the community could include properties both within and outwith the burgh. A land in Aberdeen in 1365 was

27. Irvine Muniments, no. 1; SRO, GD4/226; Ayr Friars, no. 27.

28. Familie of Innes, 57-9; Ayr Friars, nos 17, 18, 19, 20, 21, 24, 26, 27.

described as being held by John Cuparius "of the community". The stone houses known as the Newark (and presumably the land on which they were built) which Nicholas de Dumfries, burghess of Dumfries, granted to sustain a priest in a chapel of the burgh church, were held of the community. Such lands were set at ferme in charters granted by the community. In 1371, Robert II confirmed a grant of land in the burgh common made by the bailies and community of Haddington to a burghess of Edinburgh. In 1405 the burgesses of the community of Inverness granted a piece of land to a co-burghess to hold of the granters in free burgage for 3s sterling to the granters and 5d to the king. The community of Aberdeen set at ferme to William de Dunbar, burghess of Aberdeen, arable burgage land in one of the crofting territories, for a render of 4s to sustain a mass at the altar of St. Mary in the burgh church of St. Nicholas.²⁹

This last grant demonstrates a common reason for the community to set lands at ferme. Just as the community delegated the responsibility for administering the lands, fishings, and other sources of revenue which were granted to it in a feu-ferme charter by setting them in tack to individual burgesses,³⁰ so in the same way it delegated the task of administering the lands granted to the burgh church. Many of the charters which founded an altar or provided for the maintenance of a priest specified that after the granter's death the community and magistrates of the burgh were to be responsible for providing a priest. In 1331, Kelso Abbey and the community of the burgh of Roxburgh jointly provided

29. RRS, vi, no. 344; Spald. Misc., v, 250; RMS, i, no. 379; Fraser, Colquhoun, no. 17; AUL, MS. M.390, Mass 10/5.

30. Abdn. Recs., 82-4.

a priest for the high altar of the burgh church through a grant of Roger de Auldton, burgess of Roxburgh. Such provisions were accompanied by the responsibility to ensure the maintenance of the priest through the administration of the lands and rents which were granted by the founder. Setting the lands and rents at tack was apparently felt to be the most effective way of doing this. A clear example of the process appears in the St. Giles Register where there is a record of a 1362 charter by the Edinburgh burgess John de Allincrum granting the lands of Craigcrook near Edinburgh to the altar of the Virgin Mary in St. Giles. In 1377, the alderman, bailies and community put these lands at feuferme to the burgesses Patrick and John Leiper who were to pay annually £6 6s 8d for the sustenance of the altar and its chaplain. A grant of lands and rents by John de Whiteness, burgess of Edinburgh, to both the altar of the Holy Cross and the community of the burgh was probably intended to provide the community with a clear right to administer the grant for the altar. The strong interest which the community of Edinburgh took in the grants to the burgh church was demonstrated in 1368 when it was decided that all such grants were to be recorded in a register in order to safeguard them for the church, and that all entries were to be made under the supervision of the alderman and community. In Inverness, Edua of the Old Castle actually sold land directly to the burgesses and community of Inverness for the service of the altar of the Holy Cross in the burgh church.³¹

31. Glas. Req., nos 280, 282; St. Giles Req., nos 8, 14, 19, 1; Invernessiana, 65-6.

The administration of church revenues and the provision of priests for the altars were only two of the tasks undertaken by the community on behalf of the burgh church. The church was the focus of community life and spirit, a place where the community worshipped together, meetings were held and pledges redeemed.³² It was the centre for both the spiritual and temporal life of the burgh. The importance of the church to the burgh inhabitants of fourteenth-century Aberdeen and Edinburgh is attested to by the extensive rebuilding and repair carried out on their respective churches during this period. While individuals contributed much to the foundation of altars and the maintenance of priests, extensive work on the actual fabric of the church involved the whole community. In 1355, William de Leith, then provost of Aberdeen, with the assistance of the community, extended the choir of St. Nicholas to the altar of St. Leonard. He contributed £40 to the work himself and collected the rest of the expenses from the community. Unfortunately, no more details about this collection survive so that it is not clear whether this money came from a sum already put aside for such projects from the common good or from a tax imposed specifically for this purpose. That there were funds set aside for the church is shown in 1358 when repairs to the church were carried out by a chaplain and a burgess, John Fichet, who was in charge of church funds. The extension of St. Giles church in Edinburgh by the construction of five new chapels was set in motion by an indenture concluded with three masons by Adam Forrester, Andrew Yutsoun the provost

32. Familie of Innes, 54-6; SRD, RH6/152. It filled a similar role in England and Germany, Platt, Medieval Town, 155-7; Bernd Moeller, Imperial Cities and the Reformation, tran. H.C. Erik Midelfort and Mark V. Edwards Jr. (Philadelphia, 1972), 46. Cant suggests that in fourteenth-century Elgin, the market may have been held in the churchyard of St. Giles, Cant, Historic Elgin, 13.

and the community in 1387. The masons eventually received £600 for their work. Some of this money was collected from the gild. In Edinburgh, the dean of gild was also master of the kirk work by 1453 and it may have been in this capacity that Adam de Spot, dean of gild in 1401, collected money from the gild in that year.³³

The idea of community extended beyond the individual burgh. The concept also brought together the burgesses of different burghs. As Nicholson points out, the strength of the burgesses lay not only in their control over trade, but also in their spirit of cooperation and in the institutions which reflected this spirit.³⁴ Unfortunately, because cases of conflict between the burghs are more likely to be recorded, they tend to be the ones on which attention has been focused.³⁵ Rather than being seen as centres of privilege, each opposed to the others' interests, however, the burghs should be viewed as parts of a cohesive whole, providing a nationwide system of commercial interaction.³⁶ Individual privileges were to be safeguarded, to be sure, but the infringement of such privileges was perhaps the result of confusion about their exact nature as often as it was a deliberate attempt to extend one burgh's rights at the expense of another's.

33. St Nich. Cart., i, 16-17; Edin. Chrs., no. 14; St Giles Req., no. 163; Edin. Recs., i, 1. In England, hospitals and almshouses also provided a "focus for communal concern and activity", Reynolds, English Towns, 86. This may have been the case in Scotland as well.

34. Grant, Economic Dev., 134-5; Nicholson, Scotland, 17.

35. Mackenzie, Burghs, 72. Although in general stressing the strength of burghal solidarity in the Wars of Independence, Barrow does at one point suggest that inter-burghal conflicts might influence two burghs to take opposing sides, Barrow, Bruce, 422.

36. Among the German cities, this cohesiveness was given concrete form by the Hanse, Morris, Burghal Administration, 4.

A number of inter-burghal conflicts in fact involved burghal cooperation as well. The 1289 complaint of Banff that Montrose burgesses were obstructing the fair at Aberdeen points out that the fairs had been established for the benefit of Banff and other burghs north of the Mounth, and that the disturbances injured not just Banff, but also Aberdeen and the whole northern province. Banff was also apparently supporting a petition made by Aberdeen, as two years earlier, the Guardians had appointed a commission to settle a dispute about fairs between Aberdeen and Montrose. In the final judgment, the claims of the northern burghs were recognised as justified.³⁷

The market privileges granted to Brechin seem to have had the effect of uniting the nearby burghs of Dundee, Forfar and Montrose against the non-burghal intruder of their trading rights. When David II granted the freedom on the Tay and Southesk to the merchants of Brechin in 1370, it was the burgesses of Dundee and Montrose specifically who were ordered not to obstruct them. In 1372 the merchant gilds of Montrose and Forfar took counter-action against the Brechin privileges by granting each other reciprocal trading rights and specifically excluding Brechin.³⁸ A brieve, probably of Robert III, to the bailies of Forfar to respect the agreement between Montrose and Sir David Fleming re the bounds of the burgh should probably be seen as aimed at preventing the burgesses from infringing the rights of Sir David rather than those of Montrose. There may have been earlier

37. Abdn. Chrs., 290-1, 289-90; A.B. Ill., ii, 129.

38. RMS, i, no. 308; MA, M/W1/1. The fact that Montrose and Dundee were united in fighting the Brechin privileges may be the source of Mackenzie's error regarding this document. He ascribes it to Montrose and Dundee, Mackenzie, Burghs, 103.

collusion between Dundee and Montrose in sending representatives to the crown about the usurpation of burghal privileges at Brechin and elsewhere. On 5 March 1352, as a result of issues raised at the chamberlain ayre held at these places, David II issued two very similar letters, one forbidding the holding of fairs at Brechin or Fordoun or anywhere else within the bounds of Montrose, the other forbidding fairs at Coupar Angus Abbey, the church of Alyth, the towns of Kettins or Kirriemuir or anywhere else in the bounds of Dundee.³⁹ As David was at this time home from England for a short period, it seems likely that the burgesses thought that this was the best time to present such petitions.

Cohesion among the burghs was a royal policy as well, as an early grant by William I to the burgesses of Aberdeen and "the burgesses of Moray" suggests. In the early thirteenth century a grant of privileges to Aberdeen had stated that these rights were not to prejudice those granted to other burghs in the bailiwick of Aberdeen. When David II made Inverbervie a burgh he specified that its privileges were not to prejudice those of Aberdeen, Montrose, Dundee or Arbroath. A grant of privileges to the baronial burgh of Dunbar in 1370 included the entire earldom of March as the burgh's trading area. As this conflicted with the bounds of Haddington, the burgesses of each were granted reciprocal trading rights in each other's burgh.⁴⁰ Perhaps this arrangement influenced the agreement which was made between Montrose and Forfar two years later. The practice of allowing one burgh trading rights in another was also to be found in the case of Cupar, where the burgesses of Dundee and St. Andrews were given royal permission to trade. In this case, some friction arose as the merchant gild of Cupar complained about

39. MA, M/WC/8; RRS, vi, nos 120, 121.

40. Abdn. Chrs., nos 1, 3; RRS, vi, no. 483; RMS, i, no. 340.

the rights of the St. Andrews men, although there is no recorded complaint against the burgesses of Dundee.⁴¹

With one exception, in which the king confirmed a decision which had been made in the thirteenth century,⁴² the few inter-burghal disputes of this century seem to have been brought to government notice after David II's 1364 grant confirming the burgesses' rights of trading within the liberties of their respective burghs. Possibly this act gave the burghs a firm legal position on which to base their claims, and thus any infringement was more likely to be reported. The resolution of such disputes would also result in the liberties of particular burghs being more closely defined. The judgment in a dispute between Ayr and Irvine enabled Irvine to have its rights in the baronies of Cunningham and Largs confirmed.⁴³ On the other hand, the act may also have encouraged inter-burghal agreements such as that between Forfar and Montrose, but because these were not made a matter of government record, most of these have not survived whereas the disputes which came before the crown have.

Burgh cooperation appeared in many different forms. Cupar and St. Andrews were both parties to an indenture with Bruges in 1348, while Edinburgh, Perth, Dundee and Aberdeen spoke with one voice as the "four great towns of Scotland" in another letter to the same city. Perth and Dundee were probably jointly involved in at least one trading venture.⁴⁴ In 1325, when Robert I wished to know the privileges which anciently belonged to the

41. Dundee Chrs., 12; RRS, vi, nos 136, 462.

42. Glas. Chrs., no. 17. In 1328, Robert I confirmed a 1275 precept ordering the bailies of Dumbarton not to trouble the men of Glasgow on trips to and from Argyll with their goods.

43. RCRB, 538; Irvine Muniments, no. 41.

44. Hans. Urk., iii, nos 127, 131; Rot. Scot., i, 948. In England, it was common for merchants from several cities to form fellowships to pursue common interests or negotiate concessions, Carus-Wilson, Medieval Merchant, xiii.

burgh of Dundee, the issue was decided by an inquisition of landed men and burgesses of Berwick, Aberdeen, St. Andrews, Forfar, Arbroath and Montrose.⁴⁵ Nor was there any attempt to rob the burgh of its privileges, as the inquisition declared that it had the same privileges as other burghs in the kingdom.

This inquest demonstrates another feature of the burghs in this period which tended to contribute towards burghal solidarity. Here were burgesses of both king's and ecclesiastical burghs working together. Moreover, their conclusion implies that there was little difference seen between the privileges of royal and non-royal burghs. The reciprocal trading privileges given to Dunbar and Haddington suggest a similar view. That this situation was beginning to change might be implied by the dispute between Cupar and St. Andrews, but as yet there was little distinction made. The controversy between Irvine and Ayr was decided on the basis of immemorial rights rather than of status.⁴⁶

The cooperation between the burghs was sometimes reinforced on an individual level by burgesses who had interests in more than one burgh. Just as certain religious houses such as Arbroath Abbey held properties in several burghs,⁴⁷ so too did burgesses, although burgh assent was probably required. Hugh de Selkirk, burghess of Edinburgh, held a tenement in Haddington, and by 1371 had been granted land in the burgh common by the burgh in order to extend his tenement. Individual burgesses could also make grants to burgesses of other burghs. On 16 September 1384, John Hossok, burghess of Inverness, sold a piece

45. DA, TC/CC 14A.

46. RMS, i, no. 340; Irvine Muniments, no. 41.

47. See Stevenson, 'Monastic holdings' for a list of monastic property in burghs to 1300.

of land in Inverness to William de Dunbar, burghess of Aberdeen. William was to render 3s to the heirs of a late burghess of Inverness. A man of this name did serve as custumar of the burgh from 1382 to 1386. If this was the same man, perhaps the sale was intended to provide accommodation for him when he visited the burgh in his capacity as custumar. The interest of the burgh in this sale is implied by the presence of the provost and two bailies among the witnesses, as well as the appending of the burgh seal. It seems probable that burghesses of both Aberdeen and Inverness were represented among the other witnesses, as the list includes names of men from both burghs.⁴⁸

Andrew Bett, burghess of Edinburgh, received a grant from Richard de Roxburgh of all his lands and burgages in the burghs of Stirling and Edinburgh sometime before 2 May 1370, while John Kerr, burghess of Stirling, was granted land in the Gallowgate of Aberdeen by David II in 1366. In 1387, Richard de Strathearn, burghess of Perth, granted to Robert Wright, burghess of Dundee, a land in Perth, for which he was to render 40s to Richard and the burgh ferme owed to the king.⁴⁹ The payment of rent to the king raises the question of the status of the recipients of such grants in the burghs where their newly-acquired property lay. A few examples from the period suggest that it was in fact possible for an individual to be a burghess of more than one burgh. Robert II confirmed a grant by the late Gregory Chapman, burghess of Stirling,

48. RMS, i, no. 379; SRO, GD190/2/2; ER, iii, 95, 111, 137. The five witnesses names are followed by the phrase "burghesses of Aberdeen", but it is possible that this may only refer to the last two or three names, as those appearing first, unless they had namesakes in Aberdeen, were prominent burghesses of Inverness.

49. RMS, i, nos 322, 229; SRO, GD79/5/4.

to his son John Palmer of all his lands lying in the burghs of Stirling and Dumbarton and in the city of Glasgow. If John died without legitimate heirs, the lands were to go to the burgh churches of Stirling and Dumbarton, a stipulation which implied that Gregory's principal interests lay in these two burghs. During his lifetime, Gregory appeared as both burghess of Stirling and burghess of Dumbarton, although never as both at once. John, as burghess of Dumbarton, appeared with Gregory as a witness to a document of circa 1360, and was also a burghess of Stirling.⁵⁰ Perhaps the best example of burghess-ship of more than one burgh is to be found in a grant of 10 April 1374 in which John Gardener, burghess of Linlithgow, granted land in that burgh to John son of Clement, "burghess of the said burgh and of Dumbarton". In 1385 John son of Clement rendered to the Exchequer the account of the bailies of Dumbarton.⁵¹ The fact that all three of these men were burghesses of Dumbarton suggests that they may have wished to attain burghess-ship of another burgh in order to participate more directly in the trade of the east coast.⁵²

On a more general basis, the burghs were united by common privileges and laws. This was emphasised by the crown in a few charters which referred to the privileges of other burghs as a model for the rights granted to the recipient of the grant. Aberdeen received from Alexander II the rights and privileges granted by

50. RMS, i, no. 760; ER, ii, 415; Rot. Scot., i, 885, 905; SRO, GD124/1/411; ER, iii, 673, 682.

51. SRO, GD215/1862/2, ff 17-19; ER, iii, 128.

52. In England, some merchants of Bury St. Edmunds became freemen of King's Lynn from where they exported their goods, Gottfried, Bury St. Edmunds, 92, n.61.

his predecessors to the burgh of Perth, while Dingwall was granted privileges as at Inverness. Robert I granted to Dundee the right to have a merchant gild as at Berwick. Moreover, sometimes royal grants of privilege were made to several burghs together as when William I confirmed the right of Elgin, Forres and Inverness to pasture cattle and cut fuel in his forests.⁵³

The body of burghal law which developed to regulate life in the burghs also helped to create a sense of community among the burghs whose inhabitants thus lived under similar laws and government. Although local conditions might result in variations in such laws, the references to "the laws of the burghs" which appear in a number of documents imply that there was a general acceptance of the main principles of the burgh legal system. The supervision of the chamberlain on his ayre also helped to reinforce the basic similarity of the burgh laws, by providing a set of guidelines for the administration of the burgh.⁵⁴ In theory, the ayre was held annually, but in practice the disruption caused by war and plague prevented this during much of the century. When the visitations did occur, however, they served to remind the burghs of their special relationship with the king and reinforced their common sense of identity. In baronial burghs the relationship of the burgesses with their overlord seems to have imitated that of the king's burghs with the crown, as at least in some cases a chamberlain was appointed to supervise burgh affairs.⁵⁵

53. Abdn. Chrs., no. 3; RMS, ii, no. 2387; Dundee Chrs., 9-11; RRS, ii, no. 362.

54. The Articuli Inquirendi enquired into the carrying-out of these duties.

55. Sir Hugh Erskine was made bailie of the barony of Cunningham and chamberlain of the burgh of Irvine by Robert the Steward before 1371, Fraser, Eglinton, ii, no. 8(5).

As well as supervising individual burghs, the chamberlain presided over the burghal institution known as "the Four Burghs". Originally comprising four burghesses each from Berwick, Roxburgh, Edinburgh and Stirling, the Four Burghs acted as a court of appeal from the burgh courts and the chamberlain ayre. Interpretation of burghal law could be referred to the judgment of the Four Burghs as happened in a case in Edinburgh in 1292. The court also had the power to impose fines, Simon Gelchauch of Aberdeen being fined 50s in 1330 or 1331.⁵⁶ Such amercements went to the king, as did the issues of the chamberlain ayre, presumably because they were counted among the issues of burgh justice which were payable to the crown.

The usual meeting-place of the Four Burghs was Haddington, although war conditions probably resulted in it meeting elsewhere as well. In 1405 it was at Stirling. In 1369, Lanark and Linlithgow replaced Berwick and Roxburgh which were held by the English as two of the burghs. By the beginning of the fifteenth century, there is evidence that the court was making an attempt to extend its powers. In 1405 it was enacted that two or three commissioners from all the king's burghs south of Spey should attend the "parliament" of the four burghs "to trait, ordaine and determe vpon all things concerning the vtilitie of the common well of all the Kings burghs, their liberties and court."⁵⁷ Taken in conjunction with the development of burgh representation in parliament which was a feature of the fourteenth century, it does seem, as Nicholson suggests, that the use of the word parliament in this context implies that the business of the

56. Rot. Scot., i, 660; Stevenson, Documents, i, 380-1; ER, i, 336; Pagan, Burghs Convention, 10-11.

57. Curia Quatuor Burgorum, 157, 156; RCRB, i, 541-2.

court was now to be deliberative as well as judicial.⁵⁸

There were two sides to this development, however, for while in one sense it represented an even greater cohesion among the king's burghs, it also had the effect of emphasising the increasing distinction between royal and non-royal burghs which was to be a feature of later burghal relations.

The Four Burghs perhaps provided the earliest forum where the burgesses could meet together. The burgesses of Berwick, Roxburgh, Stirling and Edinburgh were here given experience of working together to determine cases of burghal law and to formulate rules governing burgh life. Burgesses of other burghs came into contact with the body through bringing cases before it. As early as 1211 it may have acted as a meeting place for the burghs to discuss the contribution of 6000 marks which they agreed to give the king.⁵⁹ During the fourteenth century, trade agreements such as the 1347 establishment of a staple at Middelburgh, would have been made largely on the collective advice of the merchant burgesses, and it seems likely that the Four Burghs was the place where the burgesses discussed such matters before presenting their counsel to the king,⁶⁰ especially in the years before 1357 when burgess attendance at parliament and general councils was apparently very sporadic. The Four Burghs thus foreshadowed the powers

58. Nicholson, Scotland, 264-5.

59. APS, i, 67.

60. Ibid, 514-5; Nicholson, Scotland, 264-5. This is not to say that the Four Burghs necessarily represented the origin of the Convention. Pagan suggests that the Convention may have developed when the court lost its importance as the chamberlain's power declined and parliament proved inadequate for burghal gatherings. It is possible that meetings independent of both court and parliament were held, Pagan, Burghs Convention, 25.

of the later Convention of Royal Burghs.

The sense of community between the burghs which was expressed in the working of the Four Burghs was to find new expression in the fourteenth century with the emergence of the recognition of the burghesses as a political entity. As early as 1296, the seals of six burghs, Aberdeen, Perth, Stirling, Edinburgh, Roxburgh and Berwick, had been attached to a treaty with France. The phraseology of the reference to these burghs, the communitates villarum, suggests French influence and it is probable that the seals were procured largely at the request of the French king.⁶¹ The occasion, however, marked the first recorded use of the burgh seals on a document of national importance, and probably introduced, if not actually putting into effect, the idea of burgh involvement in national affairs. Later in the same year, burghesses again took part in an affair of national importance, although not of national pride, when burghesses from several burghs, or at least their representatives, went to Berwick to swear fealty to Edward I.⁶²

The resistance to English rule during the early years of the fourteenth century strengthened the ties of burghesses, clerics and barons fighting for the same cause, and there may have been some burghesses present at a small gathering of

61. APS, i, 451-3; Robert S. Rait, The Parliaments of Scotland (Glasgow, 1924), 238-9; Duncan, 'Parliaments', 51.

62. CDS, ii, no. 823. Barrow suggests that not all those names mentioned in the Ragman Roll went to Berwick personally, G.W.S. Barrow, 'Wars of Independence' in The Scottish Nation, ed. Gordon Menzies (London, 1973), 17. Hunter accepts that those named were in Berwick, but also concludes that they were de facto representatives of the communities of the burghs, Hunter, 'Corporate Personality', 229.

national importance, the crowning of Robert I in 1306. There is some indication that they were present, at least as petitioners, at a parliament of April 1312 when the king and council ordained that the burghs were to treat about taxes and army service only through the chamberlain. Grants of burgh privileges in 1313, 1317 and 1319 hint at the presence of burgh representatives as petitioners and it seems, as Dickinson suggests, that by the 1320s the burgesses must certainly have been familiar with the institution of parliament.⁶³

In 1326 a parliament was held at Cambuskenneth at which the king was granted an annual contribution of a tenth to help sustain his household, impoverished by the hardships of war.⁶⁴ To this agreement, burgh commissioners were party. Robert Rait argued that this indenture was made outside parliament, basing his theory on the terminology and the belief that the parliaments did not at this time discuss financial affairs, and that therefore it could not be taken as evidence of burgess involvement in parliament, but both Duncan and E.W.M. Balfour-Melville have put forward convincing refutations of this view.⁶⁵ For perhaps the first time, burgesses had come to take their full part in the actions of a national parliament.

Two years later another parliament was held to arrange the raising of a peace contribution to be paid to England. This time there is much better evidence of the participation of the burgesses as the form of the summons to the parliament has

63. Dickinson, Scotland to 1603, 186-7; APS, i, 63.

64. APS, i, 475-6.

65. Rait, Parliaments, 239-40; Duncan, 'Parliaments', 51; E.W.M. Balfour-Melville, 'Burgh Representation in Early Scottish Parliaments' in The English Historical Review, lix (1944).

survived. Summons were sent to the usual members of the kingdom and also to "six sufficient persons from every burgh community".⁶⁶ The indenture of 1326 was confirmed and a contribution to the peace agreed. As has been pointed out by one historian, the participation of the burgesses in this parliament marked a development in the theory of burgh representation because the burgh commissioners were given the power to agree to a tax of any amount on behalf of those remaining at home. Possibly, the negotiations carried out by many burghs with the chamberlain in arranging to lease the burgh fermes had given the burgesses prior experience of such representation, as it would be likely that negotiations would be carried out by one or two individuals on behalf of the community.⁶⁷ However, if the leases were negotiated in the burghs at the time of the chamberlain ayre, then the situation of 1328, when the burgh commissioners could not consult with the rest of the community of the burgh, was indeed a further step in the development of burgh representation.

The 1328 parliamentary summons and Exchequer records which show the burgesses participating in two parliaments in 1341 disprove the old theory that the 1326 parliament was an aberration and that the burgesses did not reappear in parliament until the later years of David's reign.⁶⁸ The importance of the burghs was again recognised by a French king in 1352 when John of France addressed a letter to the prelates, earls, barons and communities of the towns and provinces. From 1357 the Scottish king showed a similar

66. APS, i, 486-7; Formulary E, no. 77.

67. Dickinson, Scotland to 1603, 187-8.

68. Rait, Parliaments, 3.

attitude towards the burghs, based largely on the realisation of the central role which the burgesses had to play in the raising of money for the royal ransom.⁶⁹

In early 1357 a general council was held to discuss the question of the ransom and to appoint representatives to send to London. The record of the proceedings included the seals of Aberdeen, Dundee, Perth and Edinburgh, in the name of all the burgesses and the whole community. On 26 September, the clergy, nobility and burgesses met separately and appointed representatives to participate in ransom discussions with the English. Burgesses of seventeen burghs chose eleven representatives who were empowered to make contracts in the name of all the communities of burgesses and merchants of the kingdom. Here was the concept of representation taken even further, for these burgess commissioners were to represent all the burghs of the realm, not just those of which they were burgesses. In the event, it does not appear that any of the burgess delegates did go to Berwick as negotiators, but it seems likely that they sat in the general council which appointed those who did go.⁷⁰

The ransom treaty was ratified by Edward III in Berwick on 5 October, and by David II in a general council at Scone on 6 November. The ratification was made with the assent of "the three communities", this being the first recorded use of the term. Nor were the burgesses only present to give assent to the royal actions. Provisions to maintain burghal privileges and to protect the export trade imply the active participation

69. APS, xii, 8; Rait, Parliaments, 241; Nicholson, Scotland, 166.

70. APS, i, 515; Edin. Chrs., no. 6; Rait, Parliaments, 242.

of the burgesses in this council. Five days later a parliament was held and it seems likely that the same burgesses who had attended the council attended the parliament as well, especially as it was here that it was agreed to raise the customs and to provide additional revenue through a tax similar to those of 1326 and 1328.⁷¹

The continued demands of the ransom payments and therefore the need for parliament to deal with financial affairs ensured the burgesses' participation in most parliaments and general councils after 1357. As Nicholson points out, "the old community of the realm had become a trinity in which the burgesses figured, alongside churchmen and barons, as a political entity, an 'estate' whose approval must be sought for any government measure that relied upon a consensus of opinion".⁷² In March 1364 David put forward an English ^{proposal naming} Prince Lionel of England as heir if he had no children, in lieu of paying the rest of the ransom. The suggestion was rejected outright by the three communities, the burgesses having an especial interest in this affair because they were largely responsible for the ransom payments that would result. Rait believed that the burgesses were only present to give counsel and assent and were not included in the membership of the parliament, but Duncan pointed out that the parliament agreed to meet again when the embassy sent to London to re-negotiate the ransom returned, and that the group which met in January 1365, composed of members of the last parliament, included eight burgesses.⁷³

71. Rot. Scot., i, 811-4; APS, i, 518-21, 491-2; Dickinson, Scotland to 1603, 189; Rait, Parliaments, 242-3.

72. Ranald Nicholson, 'Crown in Jeopardy' in The Scottish Nation, 34.

73. APS, i, 492-3, 495; Rait, Parliaments, 243, 244; Dickinson, Scotland to 1603, 190. This point is made by Duncan in the revised edition. The grant of merchant privileges later that month assured the burgesses that David bore them no rancour for their opposition. See above, p. 211.

In May 1366 the king's council decided that a land valuation should be discussed in parliament and in July the bishops, earls, barons, tenants-in-chief and from every burgh certain burgesses were summoned and called "in the due and accustomed manner", to treat on certain matters. The burgesses were also present at the parliament of September 1367 when a new constitutional development took place. It was decided to delegate the responsibilities of parliament to a small group while the rest of the members went home for the harvest. To be truly representative, the committee had to include all those elements seen as integral to the composition of a parliament. That the burgesses were considered to be one of those elements is implied by the appointment to the committee of thirteen of their number, representing Edinburgh, Aberdeen, Perth, Dundee, Montrose, Haddington and Linlithgow. A similar committee in 1370 included seven burgesses.⁷⁴

A reference to the three communities suggests burgess involvement in the parliament of March 1369. The three communities elected the earl of Fife as Guardian in a general council of 1388, and in 1398 they granted £2000 Scots to be raised for messengers to arrange treaties with England and France.⁷⁵ It seems likely that the burgesses were represented in most if not all the general councils and parliaments from the 1360s until the end of the century, although the lack of records of attendance for every meeting makes this impossible to prove. For the last two years of the 1390s, the local records of Aberdeen give some suggestion of burgess involvement in national affairs.

74. APS, i, 497-8, 501-3, 507-9.

75. APS, i, 555; Nat. MSS. Scot., ii, no. 50.

The accounts of the provost for 1398-9 include a payment to two burgesses to attend a council at Linlithgow. This may have been a parliament or general council, although there is no evidence of it in the scanty records for the period. A 2s payment to a messenger taking a commission to William Chalmer at Perth seems more likely to have implied a national gathering, as great councils were held in Perth in April 1398 and January 1399.⁷⁶ By 1437, Aberdeen regulations, which may have echoed earlier legislation of the 1390s, provided for the election of two commissioners to parliaments and general councils.⁷⁷

Burgess participation in parliament represented not only a political development but also a further extension of the idea of community among the burghs. In order to have influence in the general councils and parliaments, it was necessary for the burgesses to provide a united front. Probably the pattern of 1357 when the burgesses met first in a separate group to choose their delegates for the ransom negotiations was repeated at future councils and parliaments with the burgesses working out first the issues they wished to raise and the actions they wished to take. Cooperation rather than conflict was the keynote to relations within the third estate, and their recognition as one of the three "communities" showed that the political cohesion

76. Abdn. Recs., 80, 81; Rait, Parliaments, 264-5.

77. Abdn. Counc., i, 393. At this meeting, regulations made forty-five years previously were confirmed. It is not entirely clear whether this particular statute was an old one or newly-enacted in 1437. Rait assumes it was a 1437 statute, Rait, Parliaments, 265-6, while Kennedy takes it as a statute of the 1390s, William Kennedy, Annals of Aberdeen (Aberdeen, 1818), i, 31-2.

of the burghesses was recognised by the rest of the political groupings of the realm.

Although they achieved political recognition as a separate community, the burghesses were also an integral part of the wider community which made up the kingdom of Scotland. Their contribution to the kingdom might sometimes be made in unique ways because of their particular privileges,⁷⁸ but they took part with all the other groups in the country in the responsibilities, misfortunes and prosperity, and characteristic features of life in medieval Scotland.

When royal contributions were called for from the kingdom, the burghesses paid their share along with everyone else. Sometimes, as in 1211, a lump sum was agreed upon, in which case the organisation of its collection must have involved the burghesses as the sharing out of the burden among the burghs would have to be agreed upon. At other times the tax might take the form of a tenth as in 1326, thus not committing the burghs to find a particular sum of money and requiring less complicated arrangements. In 1328, however, the burghesses seem to have preferred to have the collection of their contribution under their own control, and in lieu of a second tax, compounded for their share and offered to pay a total of 1500 marks in three separate instalments.⁷⁹ It was in the demands produced by David II's ransom, however, that they were really to prove their value to the kingdom.

78. Grant, Economic Dev., 128.

79. Nicholson, Edward III, 59; A.A.M.Duncan, 'Taxation of Burghs 1326-1331, 1424-1425, 1535' in Historical Atlas, 64, Map 70.

From the late thirteenth century, those burgesses involved in the export trade had contributed to the crown's revenue through the customs dues. In 1357, parliament, faced with the need to find 100,000 marks for the ransom, decided to double the customs duty as one method of raising the necessary money. This represented a new way of obtaining additional revenues as the customs rate had remained steady since it was first introduced. The idea to thus make use of the customs may have been largely based on English practice by which it was common to alter the customs rate when additional revenues were required, but it also represented an extension of the idea of taxation on moveable goods.⁸⁰ Where it differed from ordinary taxes of the period was that it continued to be in force even after the original reason for it, the ransom, was no longer being paid. The ransom payments ended in 1377, shortly after the death of Edward III, with 24,000 marks still unpaid. The customs, which had been quadrupled in 1368, thus benefited the crown⁸¹ and led to an even greater link between the king and the burgesses, as it continued to be in the royal interest to promote the activities of the overseas merchants.

One of the measures proposed to raise the ransom money was that the king should be empowered to buy all wool and fleeces in Scotland at a price of 4 marks per sack or per 200 woolfells. This represented about two-thirds of the market price. The wool could then be sold outside the country and

80. ER, ii, xli; Lloyd, Wool Trade, 174, 237, 238. In 1357 moveable goods were to be taxed as well as lands, APS, i, 492.

81. Nicholson, Scotland, 194, 176.

the profit realised put towards the ransom. In the event, the actual price paid was usually 5 marks, but the exercise appears to have been moderately successful, probably raising about £1000.⁸² The burgesses acted as middlemen for much of this collection as several payments for wool were made to burgesses rather than directly to producers. Wool was bought both from individuals such as Roger Hogg, and from the communities of the burghs.⁸³ It seems that the burgesses at home were willing to combine to carry out to the best of their ability the measures agreed upon by their representatives at a national level. On a less altruistic level, it may also have been hoped that by providing the king with fairly large amounts of wool on a communal basis, the individual merchants might be left some produce of their own with which to carry on their trade. Certainly it was not in the king's interests to buy all the wool as this would then have drastically decreased the receipts from the customs.

Money was raised for the king's purchase of wool by the doubling of the customs rate on wool from early 1358, but it seems that such taxation was soon recognised to be a far more effective way of securing revenue than the requisitioning of the wool crop. At Michaelmas 1358 the woolfell customs was tripled, and the duty on hides and wool followed suit on Martinmas 1358 and Whitsunday 1359 respectively. The entire triple custom was to go towards the ransom.⁸⁴

82. APS, i, 491; ER, ii, xxxviii-xxxix; Nicholson, Scotland, 165.

83. ER, ii, 8, 12. In 1360 the Linlithgow customars reported an expense of £75 10s 9d to buy wool for the king from the burgesses of Linlithgow. The receipt for the money was in the form of two letters of the community of the burgh.

84. ER, ii, xli.

The part played by the burgesses was not simply that of tax-payer, however. After the customs had been tripled, evidence appears in the Exchequer Rolls of the sale of part of the customs to the burgesses. Edinburgh burgesses paid £76 7s 4½d for a share of the customs. Precedents for the purchase of the customs were to be found in the leasing to the burghs of their fermes, and also in the futures purchases made by many merchants in their acquisition of wool. In England, it was common for the king to receive loans in return for the right of the creditor to future customs receipts. The purchase of the customs by the Scottish burgesses involved collective action on two levels, as not only did the community of each burgh advance a certain sum to the king, but there was obviously an inter-burghal agreement about the proportion contributed by each burgh as the total payment came to the round sum of 5000 marks. There was also cooperation between individual burghs, as one combined payment was received from the burghs of Inverness, Elgin, Banff and Forres, and another from the burgesses of St. Andrews and Cupar.⁸⁵

The importance of the burgesses to the ransom payments was further attested to by the appointment of two of their number to supervise the payment of the second instalment to the English in 1359. John Mercer, the most prominent Scottish merchant of his time, and Roger Hogg, an Edinburgh burgess with close links to the government,⁸⁶ acted as royal agents and paid the 1359 instalment at three different dates to the agent of the

85. ER, ii, 10, 55.

86. Chron. Walsingham, i, 369. Roger Hogg's seal was attached to a 1355 receipt of Mgr de Garencières who brought a French force to Scotland, Donald L. Galbreath, 'Scottish Seals from the Continent' in SHR, xxvii (1948), 136.

English king in Bruges. Mercer's account shows that the entire 10,000 merks was expected to come from the combined customs receipts and the sale of half the customs to the burgesses, although the sums might be supplemented by the chamberlain to a certain extent. As it turned out, enough money was raised, but not all of it arrived in time for the payments and Mercer had to pay £115 5s interest on a loan of £1166 13s 4d to make up the correct amount, as well as £62 penalty for delay and for messengers to England to arrange the payments.⁸⁷ Where the loan came from is not clear but it seems likely that a merchant such as Mercer would have relatively easy access to credit facilities, especially in a banking centre such as Bruges, and this may have been a consideration when he was appointed to his post.

Such detailed evidence of the arrangements for raising the ransom money unfortunately only survive for the second instalment, so that it is not possible to determine how the first instalment was raised or to discover much about the organisation behind the collection of later instalments. Political factors resulted in various negotiations of the ransom treaty, including a fresh agreement made in 1365 after the three communities refused to accept Edward III's son as heir to the Scottish throne. The yearly instalments were decreased to 6000 merks. It was probably in July of that year that it was decided to have the customs from 19 June to January of each year paid exclusively to the ransom, and also that a contribution to the king's expenses should be made by

87. ER, ii, xlii, 55.

the three estates. The contribution from the burghs of 1000 marks appears to have been pre-arranged and paid in one lump sum,⁸⁸ once again implying inter-burghal cooperation and organisation.

Financial difficulties by 1367 led to the decision for a sweeping revocation of royal grants and again the use of the entire triple customs for the ransom. As one-third of this was crown property, however, the king and council also had the power to levy a contribution to that extent when the amount was known. In June 1368 this system was replaced by a quadrupling of the customs, the additional rate going to the king's expenses. Later, this reservation was given up and the entire customs was paid to the chamberlain for the expenses of both king and nation. The ransom had thereby proved a way of bringing immense additional sums into the king's hands,⁸⁹ largely at the expense of the burgesses.

Payment of the ransom was not the only action in which the burgesses took part with the rest of the kingdom. Many also took part in the defence of the realm against the English. Perhaps Edward I recognised their potential in any resistance against his rule, as he required the representatives of nine burghs to do homage to him at Berwick in 1296. Certainly, the burgesses of Berwick had shown open defiance to the English forces earlier that year. On 30 March the English took

88. ER, ii, lxvii-lxviii, 224, 219.

89. Ibid, lxxi-lxxii; Nicholson, Scotland, 176-7. The diversion of the money away from the ransom was noted by Sir Thomas Gray, Scalachronica, 203.

their revenge, indiscriminately slaughtering the townspeople.⁹⁰

Throughout the conflicts of the fourteenth century, the burghs suffered their share of burning and looting, sharing with the rest of the country in the fortunes of war.

During the years of Edward I's occupation, it seems to have been the burgesses of the northern burghs, which were more remote from the English centre of power, who took the lead in burghal resistance. Alexander Pilch of Inverness, although he made peace with Edward and served as keeper of Inverness Castle for the English from 1304, was among the supporters of Bruce in 1306. Three other northern burgesses, Andrew Sleggh, Andrew Bishop and Adam Chapeu, all from Aberdeen, also figure in the English list of men who forfeited their lands for adhering to Bruce.⁹¹ Aberdeen was an important centre for those fighting the English by sea and it was here that many of the overseas supplies which were so important to the Scottish resistance were brought into the kingdom.⁹² Perhaps it was because the northern burghs did not suffer the effects of as intensive English occupation and administration as the burghs further south that they were able to take such an effective part in the defence of the realm. This is not to say that the northern burghs escaped unscathed - several were burned in the punitive northern expeditions made by both Edward I and Edward III - but the English policy seems to have been to destroy the buildings

90. CDS, ii, no. 823; Chron. Lanercost, 173. Scots in Perth disloyal to Robert I suffered a similar fate at his hands, Chron. Fordun, i, 346. Some burgesses of Berwick later gave support to the disinherited, G.W.S. Barrow, 'The Aftermath of War: Scotland and England in the Late Thirteenth and Early Fourteenth Centuries' in Transactions of the Royal Historical Society, 5th ser., xxviii (1978), 107-8.

91. Evan Macleod Barron, The Scottish War of Independence: A Critical Study, 2nd ed. (Inverness, 1934), 229; Palgrave, Docs. Hist. Scot., i, 310.

92. See above, p. 199.

of the burghs rather than to make a prolonged effort to destroy the spirit of the inhabitants.

Because the chroniclers of fourteenth-century Scotland, in common with most chroniclers, concentrate mainly on the deeds of a glorious few, the burgesses of this period share the same fate as most of their countrymen, and fail to have their part in the Scottish resistance recorded.⁹³ And yet the defiance shown by the burgesses of Berwick was not a unique phenomenon. The story of the storming of the English-held castle by the men of Aberdeen in 1308 may be legend, but in 1336, Edward III took revenge for the death of one of his followers at the hands of the burgesses of Aberdeen, by setting the entire town alight.⁹⁴ Moreover, the burgesses were liable for military service in the defence of the realm if summoned by the king.⁹⁵ The friendship shown to the burghs by Robert I once he was in a position to reward them implies that they must have played no small part in his eventual victory. Indeed, although the records give little specific detail about the activities of the burgesses in the wars, "the overriding picture is of burghal solidarity in the patriotic cause".⁹⁶ The royal favour which the burghs obtained ensured them of the privileges with which they could overcome the damages caused by war and return to their former

93. Warden, Burgh Laws, 5.

94. Joseph Robertson, The Book of Bon-Accord (Aberdeen, 1839), 32-4, 36.

95. A brieve to the burgh of "A" stated that it was to provide 120 armed men for 60 days with six sufficient men of the burgh to lead them, Formulary E, no. 59.

96. Barrow, Bruce, 422.

prosperity.⁹⁷ In one instance, war was actually of benefit to some burghs. The loss of Berwick to the English resulted in an expansion of the export trade of the Lothian ports and, above all, of Edinburgh.⁹⁸

The profits of successful warfare as well as £7000 of a tenth granted for the crusades were put to use by Robert I to pay those seamen and traders who ran the English blockade with imports from Flanders and attacked English shipping. Flemish and German traders were active in this business, but Scottish merchants also took part.⁹⁹ The Scottish traders also had an important effect on diplomatic relations between Scotland and her allies, as the demand for Scottish wool, especially in those countries temporarily deprived of English supplies, ensured that help would continue to be given to the Scots from many directions. Scottish merchants on the Continent were able to secure supplies and keep open the lines of communication between Scotland and the countries which they visited.

After David II's return from captivity the interests of the burghesses coincided with the interest of the crown in peace with England. Trade was an important element in the easing of relations between the two countries, and provided at least one issue of agreement between the two nations. Increased commercial contacts encouraged the development of cultural, social and diplomatic links and this perhaps made easier the resolution of many disputes by negotiation rather than by force. Burghesses took part in some

97. Most burghs seem to have at least maintained, and some actually improved, their economic position by the end of the century.

98. Stevenson, 'Low Countries', 258.

99. Nicholson, Scotland, 82.

of the diplomatic missions to England. John Wigmer, burgess of Edinburgh, was involved in negotiations for David's release in 1348, while Adam Forrester played a major part in talks with the English in the closing years of the century. The burgesses were also willing to send representatives to negotiate the ransom treaty in 1357. Diplomatic treaties with other countries, strengthening links and increasing commercial interdependence also involved burgess negotiators,¹⁰⁰ who were thus able to serve their own interests and those of the country at the same time.

Because the burghs were the focus for the institutions of government, the burgesses came into frequent contact with members of the other two estates, often within their own burghs. Justiciars' courts, ecclesiastical courts, sheriff courts, the Exchequer and the supreme court, the parliament, were usually held in the burghs. With the sheriff especially, some burghs seem to have had close links. Many royal burghs were the capita of sheriffdoms.¹⁰¹ William de Meldrum, sheriff of Aberdeen, lived in Gallowgate, and on one occasion was one of those who rendered the accounts of the prepositi on their behalf to the Exchequer.¹⁰² Evidence of cooperation also exists in a list of forestallers, in which certain names were marked "to the provost" and others "to the sheriff". When Perth was granted the right to arrest forestallers, the sheriff of Perth was ordered to provide any assistance necessary. Church courts enforced contracts involving oaths, matrimonial cases, slander and

100. Rot. Scot., i, 718; CDS, iv, nos 490, 491, 510; Hans. Urk., iii, no. 131; Rooseboom, Staple, app. no. 12.

101. Pryde traces the history of burghs as capita of sheriffdoms, Pryde, 'Origins of Burghs', 276-8.

102. ER, i, 470.

any other cases perceived as involving faith and morals.¹⁰³

In theory, the king's burghs were to be entirely independent of the control of all royal ministers with the exception of the chamberlain. In 1344, David II granted to the burgesses of Inverness that no king's official except the chamberlain could supervise weights and measures in the burgh.¹⁰⁴ Ecclesiastical and baronial burghs appear to have been more subject to interference by the burgh superior. Even the king's burghs, however, although they generally maintained their independence in the control of their internal affairs, could not remain isolated from the other authorities which carried out the government of Scotland. In some cases the lands which were later granted to the burghs were under separate jurisdiction. For the five pennylands granted to Ayr, the burgesses were to render one suit of court before the sheriff of Ayr for every plea held there. Certain privileges were allowed, however, for it was stipulated that the burgesses were not to be called to serve with the army, unless summoned with other burgesses by the king. In 1417, the burgesses complained in the sheriff court that the sheriff was ignoring this privilege.¹⁰⁵

Where the burgesses of a burgh were accused of wrongdoing to an individual or institution outside their authority, the king ordered his own ministers to ensure that right was done. In many cases this was because the burgh officials were being treated as officers ultimately responsible to the crown. Thus

103. Abdn. Recs., 177-8; SL, 859/23/6; Gordon Donaldson, 'The Church Courts' in Introduction to Scottish Legal History (Stair Society, 1958), 363.

104. RRS, vi, no. 85.

105. Ayr Chrs., nos 14, 42.

John Balliol could order his sheriff and bailies of Perth to compel the prepositi of the burgh of Perth to render to Kelso Abbey 6 merks owed from the burgh fermes. William de Meldrum, sheriff of Aberdeen, was presumably carrying out royal instructions when he wrote to the prepositi and bailies of the burgh of Crail in 1348 that he had inspected the charter of the chamberlain to them about the privileges of the men of Arbroath Abbey, and ordered them to make redress for molesting them and extorting customs. The powers that could be given to a non-burghal authority over the burgesses were demonstrated in 1386 when the earl of Carrick commanded the sheriff and bailies of Ayr to distrain the goods of the burgesses of Ayr if the burgh fermes owed to the Blackfriars were not paid by the provost and bailies.¹⁰⁶ This represented a further step in the interference in burgh affairs as the burgesses were being made responsible for the failure of their magistrates in their capacity as royal officials.

The king's ministers could also be used to enforce burgh privileges outwith the bounds of the burgh. In 1401 the sheriff of Banff was ordered to arrest Malcolm de Drummond, lord of Mar, and any others who troubled the burgesses and community of Banff in their fishings. A dispute between the burgesses of Peebles and Robert Cruik over the moss of Walthamshope in 1262 was ordered by the king to be heard at an inquisition held by the sheriff of Peebles. The dispute between Ayr and Irvine was heard by the bailie of Cunningham.¹⁰⁷ Through the pertinents which

106. Kel. Lib., ii, no. 397; BL, MS. Add. 33245, ff 53^v-54^r; Ayr Friars, no. 21.

107. Banff Annals, ii, 377-8; Peebles Chrs., no. 2; Irvine Muniments, no. 4.

belonged to the burghs they were brought into contact with the laws and courts which governed the rest of the kingdom.

The burgesses also shared in other aspects of life in medieval Scotland. They were not immune from the effects of bad harvests, although the fact that they were more easily able to import grain may have helped cushion them against the worst of the famines. On the other hand, the crowded and unsanitary conditions of many burghs may have resulted in higher mortality from the plague. The strict measures imposed in Aberdeen to prevent the plague coming to the burgh in 1401 suggest that the town had some familiarity with the sickness from previous experience.¹⁰⁸

Socially as well, the inhabitants of the burghs participated in the life of the kingdom. Fairs provided the occasions for festivity and entertainment, and visits of the royal court probably had a similar effect. Nobles who spent part of their time in town accommodation, and possibly bishops as well, would furnish an example of life-style for the wealthier burgesses to emulate, while at the other end of the scale the houses of the inhabitants of smaller burghs, as well as those of the poorer inhabitants of the larger burghs, probably differed little from those of their compatriots in the country. The rhythm of country life was also felt in the burghs as it was throughout the country, the harvest being the reason that the burgess commissioners as well as the other representatives of parliament began to elect committees in order to enable them to return home. Trade as well, based as it was on agricultural products, depended on the seasons of the year.

108. Abdn. Recs., 211.

Burgesses were major participants in the wide-spread travels of the medieval Scots.¹⁰⁹ Trips abroad were made in the company of scholars, churchmen, nobles and pilgrims. Pilgrims were a major feature of medieval life and burgesses were frequently to be found among their number. There are records of several merchants who went on pilgrimages or at least applied for safe-conducts in order to do so. Among them were some of the most prominent burgesses of the time, including Roger Hogg and his wife Margaret, John Goldsmith and William Fersith, all of Edinburgh. Favourite destinations were the Holy Land, the tombs of Peter and Paul at Rome and the shrine of St. James at Compostella. Those going to Compostella usually sailed from Dover or Plymouth to Galicia or a French port, while those going to Rome might go through England or sail from Scotland across the North Sea to Bruges or some other North Sea port. Canterbury was another popular destination, while within Scotland Whithorn was a common destination of pilgrims, both Scottish and foreign.¹¹⁰

The burgesses were thus members of three communities, the community of their own burgh, that of the third estate and that of the kingdom. This is demonstrated very clearly in Perth towards the end of the century. In 1394 Robert III granted to the community of the burgh of Perth that they have their own sheriffdom within the burgh,¹¹¹ thus giving the burgh powers that were exercised by the king's officials over much of the rest of the kingdom. The sheriff was to compear annually

109. Dunlop, Scots Abroad, 3-4.

110. Rot. Scot., i, 859, 874, 978; David McRoberts, 'Scottish Pilgrims to the Holy Land' in Innes Review, xx (1969), 81-2; Rot. Scot., i, 828; David McRoberts, The Pilgrimage to Whithorn (Glasgow, n.d.), 2, 4.

111. SL, 859/23/4.

to the Exchequer and at the justice ayre to answer for the administration of the office, thus bringing at least part of the burgh government under the supervision of officers other than the chamberlain. The fines and amercements of the sheriff court were to go towards the upkeep of the Bridge of Tay. The upkeep of the bridge had earlier been a concern of the community, which concluded an indenture for its maintenance with one of the burgesses in 1344. In this provision of the 1394 charter, there was a recognition that the interests of the burgh, the Scottish merchants and the wider community were combined. This was confirmed in 1405 when Robert III granted to the alderman and the community of the burgh of Perth £11 from the burgh fermes in perpetuity to sustain the bridge of Perth "which exists for the sustenance of the realm".¹¹²

112. RMS, i, no. 196; SL, B59/23/10.

CONCLUSION

The burgesses of fourteenth-century Scotland were an integral part of the kingdom in which they lived. By the 1300s, burghs had been a long-accepted feature of Scottish life, and there was no need for their inhabitants to prove their worth to the nation as a whole. And yet, paradoxically, because of the events of the century, this is precisely what they did, gaining for themselves in the process political recognition as the Third Estate. But recognition and acceptance went further than this. In the course of their everyday life the burgesses were constantly in contact with the other constituent parts of the realm, both serving them and participating with them in their activities. Moreover, the burgesses' lifestyle mirrored that of other classes in Scottish society.

Living as they did in the centres in which international trade was concentrated, the burgesses of the coastal burghs had access to the imports which were purchased with the proceeds from the sale of wool, woolfells and hides. Archaeological finds have shown that many of these goods found their way into the households of the burgh, giving the wealthier burgesses a chance to emulate the lifestyle of the nobility. Such objects also provided models for the craftsmen of the burghs, whose products would be disseminated through the countryside by means of the local markets. Poorer families or those living in small inland burghs would, on the other hand, probably have had a standard of living similar to that of the ordinary people

of the countryside. The burghs were not places of equal opportunity for all, but, as with the rest of the country, included both rich and poor among their inhabitants, and contained within their bounds a wide variation in standards of living.

Lack of records makes it difficult to determine to what degree the central government of the time exercised its authority over the various parts of the kingdom, but it seems that a fair degree of local autonomy was tolerated. Certainly this holds true for the burghs. There seems to have been little royal interference in the internal working of the burghs, and the granting of feu-ferme charters implies that the crown had confidence in the burghs' ability to manage their own affairs. But this is not to say that the king thereby relinquished all control over his burgesses. The feu-ferme charters had a safeguard in that if the burgh failed to live up to its obligations of raising the yearly rent, it would return to the king's hands. Thus in times of hardship such as those caused by English attacks, the burgh might have to depend on royal favour either to remit its dues or to return it to its former feu-ferme status when it could again meet its obligations. Furthermore the collection of the customs remained under royal supervision, with customars appointed by the king rather than by the burgesses. In burghs without feu-ferme charters, or leases of the burgh fermes, the opportunity for royal interference in the local financial administration was greater, but in general this power seems to have been little used. As with baronies and church lands, the day-to-day

administration of the burghs seems to have been left largely to the local forms of government, with only occasional directives from the crown. The burgesses were thus free to evolve the type of government which would suit them best, even though this was not necessarily best for all the burgh inhabitants. As with the baronies, church lands and regalities, burgesses had their own courts and administered their own justice. The chamberlain ayre provided a measure of royal supervision, and through its powers of hearing appeals from the burgh court served to remind the burgesses of the king's position as the ultimate authority in matters of justice.

Because of their access to increasing amounts of liquid capital, the burgesses introduced a new dimension to landholding. Land, especially urban property, was now seen as an investment, capable of being quickly mobilised when capital was required, and also as producing a steady cash income. However, the concept of landownership as an end in itself was also recognised by those burgesses who had the money to purchase country estates. While some country properties were regarded purely as investments, others were seen as valuable for the status which they conferred on the owner. Marriage into a landed family and the acquisition of the lands necessary to acquire a social position in keeping with membership of the landowning classes, were common activities among the wealthier burgesses and demonstrated that the distinction between the landed and urban classes was by no means insurmountable. Through landholding, the burgesses both increased their wealth and became integrated into feudal society.

Trade was the central activity of the burghs in the fourteenth century, and one which brought the burgesses into contact with every level of society. Country people came to the burghs to sell their produce and buy manufactured goods and imports, the king's officers attended to purchase supplies for the royal households, the servants of religious houses and landholders bought the items required by their masters, and the burgesses supervised the entire scene. International trade involving commissions brought the burgesses into direct contact with those who paid for such purchases, and thus widened their sphere of interest beyond the local market. Along with foreign goods, the burgesses brought back new ideas and customs and thus also contributed to the cultural life of the kingdom. Trade opened up contacts with the Continent which continued to prove useful throughout the century in the face of continued aggression from England. It also enhanced the royal revenues and helped to increase awareness of the value of burgess activity to the welfare of the kingdom.

Contact between the burgesses and the rest of the kingdom was maintained in other ways as well. The agricultural activities of many burgesses, within the burgh, on burghal common lands and on country estates, helped give them a place among the producers of food as well as among the consumers. The materials for everyday living - wood for houses, rushes for bedding, wool for clothing, grain and malt for food and drink - all came from the burgh hinterland. At the same time, contacts with the nobility, the church and the crown were fostered by the

activities of individual burghesses. Money-lending, the rendering of administrative and financial services, the carrying out of trading commissions and the filling of offices, all demonstrated the usefulness of the burghesses' services to others. So much was their ability respected that some were even appointed to take part in diplomatic missions alongside members of the clergy and the nobility, and the early payments of the ransom instalments were entrusted to two of their number.

The burghesses as a whole made up only a small proportion of the total population of Scotland in this period, but the sense of community among them, reinforced both within the burgh and between the burghs, helped them develop a degree of influence beyond that which their numbers warranted. United within their own burghs they acquired increasing privileges and powers of self-government for each burghal community. Between different burghs, common interests, common customs and a common position in society helped accentuate the similarities rather than the distinctions between the separate burghs. Official political recognition was given to this state of affairs by the use of the term "the three communities" from the mid-fourteenth century. It was realised that the sense of community could transcend burghal boundaries, although how inclusive this 'community of the burghesses' was is not clear. Were the burghesses of ecclesiastical and baronial burghs considered to be part of the estate of burghesses or of the estate of their overlords? Possibly this was not a matter of great concern to the burghesses

of such burghs, as their interests would be represented on a national level by either the third estate or the estate of which their overlord was a member. It seems that the community of the burghs was in many ways analogous to the community of the burgh, with the leading members - in this case the burghs of the royal burghs - taking on the responsibility of leadership, but being seen to speak for all burghs.

Finally, the burghs were part of the wider community of the kingdom of Scotland. They were not isolated from the events of the century, but shared in both setbacks and victories, war and peace, economic decline and prosperity, cultural links and isolation. They contributed to the welfare of the nation, often in ways such as contributions which were the same as the rest of their compatriots, and sometimes in ways such as customs revenues which were almost entirely their own preserve. As a community within a community, the burghs formed a vital part of the kingdom of Scotland.

In the process of researching this thesis, most of the documentary evidence collected was used to compile biographies of all fourteenth-century burghs to whom references were found. Many of the ideas which have been presented are based largely on a study of these biographies.

The advantages of studying the history of a period through examining the lives of individuals are several. First, it can correct impressions gained from the bias of evidence in favour

of the ruling classes. For example, the frequent English blockades of Scotland during the early years of the century imply that trade between Scotland and the Continent was at a standstill, but the many references to Scottish merchants wrecked on the English coast suggest otherwise.

When an individual appears in the records, if there is other evidence about him he can be placed in context and not seen simply as 'a burghess'. Often some idea of his social standing or wealth can be gained, and his actions can then be seen as typical or not of the vast majority of burghesses. There are dangers in this for a period in which the documentary evidence is as scarce as it is in the fourteenth century - some burghesses who are mentioned only once in the records may have been more important than they appear - but nevertheless a general impression can be gained. Thus the English safe-conducts show a great variety of merchants interested in participating in the English trade. The lack of some prominent names suggests that the main commercial interests of those men lay elsewhere, and perhaps can be taken as implying that trade with the Low Countries in this period continued to be a profitable business for wealthy merchants. Similarly, the biographical information about the men who served as aldermen and provosts suggests that this was considered to be an office of prestige in most burghs.

The study of individuals shows the varied nature of the contributions made by the group of which they are members. The burghesses as a group contributed to the welfare of the nation, but they also took action independently. Work on

royal projects such as Edinburgh Castle was largely undertaken by individual merchants, while large amounts of cash were advanced to the crown by burghesses acting alone. The provisions of proposed trade treaties might be agreed by the burghesses as a group but it was often up to one or two to carry out the negotiations. Royal offices were also the responsibility of the individuals who were appointed.

A comparison of the biographies of various burghesses helps point up the variety of ways in which they could earn their living, and guards against a simplistic view of all burghesses as primarily traders. John Crab of Aberdeen may have accumulated his initial wealth through trade, but in his later years his investments were primarily in land and he may represent an early member of the rentier class. Adam Forrester seems to have made his career mainly in royal service and as financial agent for members of the nobility and the church. John Mercer apparently combined royal service with an active trading career. Roger Hogg, also a prominent merchant, was heavily involved in lending money to the crown. These men demonstrate both the variety of activities in which the burghesses could engage and also the way in which one individual could combine several pursuits.

That the burghesses were not an isolated group within Scottish society is also demonstrated by an examination of individual lives. Some burghesses had connections with one social group, others had connections with a different group, while still others were linked with various parts of Scottish society. Thus through their individual members the burghesses

as a whole were linked to all the other groups within the kingdom. And in the end this is how they should be seen; not as a homogeneous mass, but as a group of individuals who, while well able to act collectively, were each also capable of making their own contribution to the nation.

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